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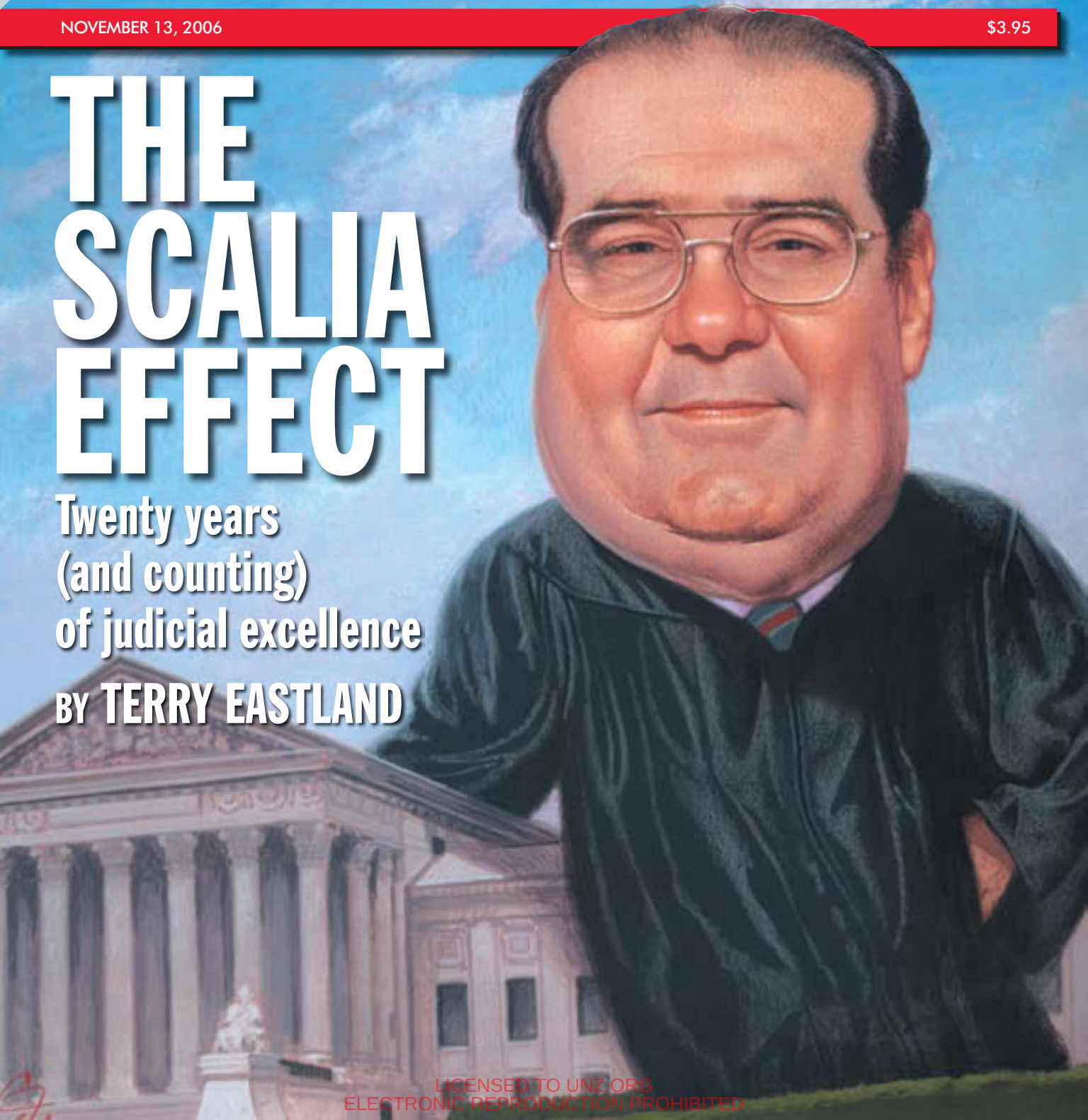

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Paul T. Hill is a distinguished visiting fellow at the Hoover Institution and a member of the institution's Koret Task Force on K–12 Education. He is also a research professor in the Daniel J. Evans School of Public Affairs and director of the Center on Reinventing Public Education, both at the University of Washington.

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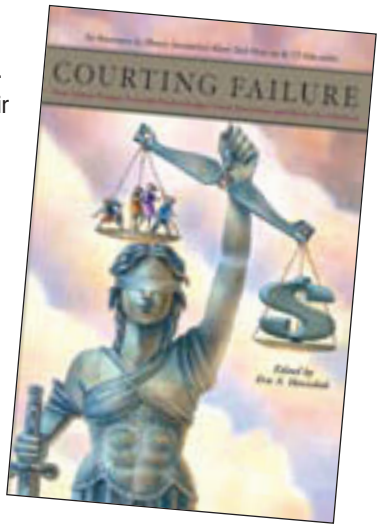

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BPA INTERNATIONAL

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President Amy's Halloween Party

The president of the University of Pennsylvania, Amy Gutmann, hosted a Halloween party at her home last week. One of the revelers dressed up as an Arab suicide-bomber and posed for a picture with her. The student posted the photo, along with a number of other photos from the festivities (including mock executions of fellow students), on his Facebook page. There they were noticed by Winfield Myers, who drew attention to them on his blog at *democracy-project.com*. "An obvious question" occurred to Myers: "Would Gutmann have posed with a guest—or even allowed him into her house—if he'd dressed as Adolf Hitler or a Nazi SS officer? A KKK member?" No, he concluded. "But in modern liberal circles, posing as a Palestinian suicide bomber . . . is just fine."

A lively discussion ensued on other websites. Libertarian law professor Eugene Volokh of UCLA took the much-ado-about-not-much view:

> For Pete's sake, this is a Halloween party, with a bunch of college kids trying to be creative, including trying to be creative with a theme of "dressing as scary evil things." Suicide bombers are scary evil things. Maybe they're too scary evil, or scary evil in the wrong way, or who knows what. But there's no rule book that he should have consulted on the subject; it's a matter of taste and judgment on which reasonable people can differ. Cut him some slack. . . . Even if he went over the fuzzy line, how much public outrage does it merit?

'Another hostage shot'

Many of the commenters at *volokh.com* were of like mind, arguing that this was just harmless mockery, a student poking fun at terrorists. The student himself later posted a statement expressing "condolences and sympathy to all affected by our costumes. We wish to make it clear that we do not support terrorism, violence, or anything that is against society. There is no agenda or statement associated with our behavior shown in these pictures."

Penn President Amy Gutmann

Rev. William C. Gipson, Penn Chaplain

'Influencing future Mujahideen'

No agenda? Among the captions written by the student himself for his photos were "Another hostage shot," "Influencing future Mujahideen," and "freedom fighter . . . pose[s] for a picture." We're picking up a vibe here, and it's not Charlie Chaplin dropping a banana peel in front of a goosestepping Hitler.

The images are, in fact, disturbingly familiar: Sympathizers of suicide-bombers in the Middle East routinely show solidarity with their "freedom fighters" by dressing children up in the same type of costumes, complete with plastic dynamite and fake AK-47s.

Abed Omar Qusini / REUTERS

Hamas rally at Nablus University

Amy Gutmann, for her part, is smart enough to recognize a bad career move when she finds herself in the middle of one. She released a statement on the Penn website:

> Each year, the president hosts a Halloween party for Penn students. More

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than 700 students attend. They all crowd around to have their picture taken with me in costume. This year, one student who had a toy gun in hand had his picture taken with me before it was obvious to me that he was dressed as a suicide bomber. He posted the photo on a website and it was picked up on several other websites.

The costume is clearly offensive and I was offended by it. As soon as I realized what his costume was, I refused to take any more pictures with him, as he requested. The student had the right to wear the costume [!?!] just as I, and others, have a right to criticize his wearing of it.

A SCRAPBOOK friend notes, "This may clinch her appointment as the next president of Harvard University." ♦

William Styron, R.I.P.

THE SCRAPBOOK doubts that obituary writing is taught in America's journalism schools. But if it is, we would recommend that Christopher Lehmann-Haupt's *New York Times* obituary for William Styron (Nov. 2) be added to the syllabus. As an example of extolling a minor gentleman of letters as a major figure in American literature, it is very nearly letter-perfect.

In the headline, readers were informed that, to his everlasting credit, Styron "transcended roots." That is to say, this Virginia native surveyed the whole human condition in his work, not just daily life in New York City (Edith Wharton), Massachusetts (Nathaniel Hawthorne), or Mississippi (Eudora Welty). And speaking of Mississippi, while Styron was politely compared to William Faulkner early in his career, he "balked at being pigeonholed as an heir to Faulkner. 'I don't consider myself in the Southern school, whatever that is,' he told the *Paris Review* in the spring of 1953." Fair enough: Styron was no Faulkner—or, as the *Times* would have it, Faulkner was no Styron.

The truth is that Styron was a novelist of modest gifts, deployed in a handful of works of diminishing distinction. He might also have personified the low ebb of the contemporary American novel, captured (unwittingly, of course) in the *Times*'s assertion that "critics and readers alike ranked him among the best of the generation that succeeded Hemingway and Faulkner. His peers included James Jones, Gore Vidal and Norman Mailer."

Styron was distinct from William Faulkner in other ways. He wrote a therapeutic account of his own depression and alcoholism, and his last significant public appearance was to testify before the Senate Judiciary Committee against the Supreme Court nomination of Robert Bork.

Most poignant, he is likely to be remembered, if he is remembered at all, as the owner of a waterfront estate on Martha's Vineyard where, in the admiring words of the *Times*, "his circle of friends grew over the years to include Lillian Hellman, Art Buchwald, Philip Roth, James Jones, James Baldwin, E.L. Doctorow, Candice Bergen, Carly Simon, John F. and Jacqueline Kennedy, Bill and Hillary Clinton, Mike Wallace and even Norman Mailer, with whom he had feuded fiercely early in their acquaintanceship." Imagine what Faulkner might have accomplished if he had only known Jackie Onassis! ♦

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Casual

Reminiscing in Tempo

An interesting book arrived here the other day which, as is often the case, impressed me in ways the publisher hadn't anticipated. Entitled *The Show I'll Never Forget: 50 Writers Relive Their Most Memorable Concert-Going Experience*, it proved to be something of a shock. With three or four exceptions for jazz, all the memorable occasions were rock concerts (Queen at the Capital Centre, Landover, Maryland, November 29, 1977; Bon Jovi at Memorial Coliseum, Portland, Oregon, May 8, 1989; etc.). No classical music, no Judy Garland, no Lester Flatt and Earl Scruggs.

I realize that part of this is a function of age—most of the book's contributors are younger than me—and musical snobbery. Writers are not necessarily astute judges of music, and I tend to think of rock as dance music and the noise you listen to while driving a convertible.

Still, I was prompted to consider what my entry would have been. In some respects, my rock 'n' roll experiences have been unconventionally memorable: a sodden day at Woodstock, surreal hours among the Deadheads. As an undergraduate I saw the very young and distinctly malnourished Bruce Springsteen perform, and liked him even less then than I do now. For awhile the acts I witnessed—Janis Joplin, Jimi Hendrix, Canned Heat, even Jim Croce—had a disconcerting habit of dying soon thereafter.

On a somewhat higher plane, I heard Beethoven's Ninth conducted by Daniel Barenboim in the Staatsoper Haus in Berlin on the tenth anniversary of German reunification. That was a memorable experience. So was hearing Arthur Rubinstein at Constitution Hall in Washington (1959) and Pierre Boulez conduct Bartok at the Academy of Music in Philadelphia (1972). I have happy recollections of taking my wife, before we were married, to hear Ella Fitzgerald at the Kennedy Center in Washington, D.C. (1979).

Still, if I had to select a single "memorable" experience, there is no question which concert I would choose: Duke Ellington at the Sheraton Park Hotel, Washington, D.C., March 20, 1966. There was nothing like it for me, before or since; and even 40 years later, every time I pass the old Sheraton Park (now restored to its original name, the Wardman Park), I remember that night.

Darren Gygi

Part of the appeal is the fact that, as a 15-year-old jazz enthusiast in the Swinging Sixties, I had the impression I was alone in the world. I had to take a bus to and from the concert, of course, and nobody I knew at the time, female or male, would have had the slightest interest in the Duke.

There was also, I confess, an element of subversion. This may seem preposterous in retrospect, but my parents regarded listening to jazz as something akin to self-abuse, and not only frowned on my affection for it but banned it from being played in our household. Mind you, this was 1966, ten years after Elvis, and two years after the Beatles, appeared on *The Ed Sullivan Show*. I had learned about the concert by listening to Felix Grant, the Washington jazz deejay, on WMAL-AM—secretly, with earplugs, on my transistor radio, in bed.

When I arrived at the Sheraton Park that frozen evening, I was dressed in my school uniform—brown tweed jacket and tie, loafers and khaki trousers—and a good thing, too. As far as my adolescent eye could survey, I was by several decades the youngest in attendance, and the only white person in a huge audience, all dressed to kill.

Having heard Duke Ellington, but never before seen him in concert, I was intrigued by his stage manner. Much of it consisted of a sort of flirtatious patter with the audience ("We love you *madly*"), delivered in his silky baritone voice, and was designed, I could see, to buy time while the musicians rearranged their scores. I was impressed by his ability to stand up to conduct, and sit down to play piano, back and forth, without missing a beat.

There were other musicians on the bill: Oscar Peterson, the great piano virtuoso, the balladeer Billy Eckstine, trumpeter Maynard Ferguson, and the comedian Nipsey Russell. Since Ferguson specialized in screaming notes in the higher registers, I took the occasion to slip backstage—or sideways, since this was a hotel ballroom—to see if I could get Duke Ellington to sign my program.

A kindly musician with a saxophone slung over his shoulder—I think it was Johnny Hodges—directed me to a room where Ellington was sitting, looking tired, surrounded by a circle of female admirers. His weariness gave me a moment's pause; but I took a deep breath, walked in, bowed slightly, handed him a pen, raised my importunate eyebrows, and stood mortified while the Duke signed his name. I believe he grinned as he handed me back the pen.

Philip Terzian

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Reporting on Faith

John J. DiIulio Jr.'s "The *New York Times* versus Religion" (Oct. 23) contained some significant factual errors in its descriptions of my four-part series, "In God's Name," published in the *New York Times* beginning October 8.

DiIulio's essay focused largely on his complaint that I did not accurately or fairly address the issues surrounding federal funding for religious groups that provide social services under the federal Faith-Based and Community Initiative. But the series was not even remotely about that initiative, or federal faith-based funding in general. Out of almost 18,000 words, only three paragraphs, totaling 139 words, mentioned those topics at all. Most of those were incidental references; the rest were in a quotation from Dr. Derek Davis in a companion piece to the final story on October 11.

So none of the series dealt with federal funding issues, which DiIulio identified as half of my "story line."

And the second article in the series, "Where Faith Abides, Employees Have Few Rights," did not focus at all on "13 'workplace' provisions" adopted by Congress, as DiIulio reported. Those legislative actions were mentioned only in thumbnail fashion in a graphic that ran the previous day. Instead, the second article focused on just two topics: the "ministerial exception" and a landmark federal appeals court opinion in 2002 that expanded a religious exemption under federal labor laws. Both are judicial doctrines, not legislation.

DiIulio also mistakenly described the ministerial exception. It was not established under the Civil Rights Act of 1964, as he reported. As I explained in my second article, it is a longstanding judicial doctrine that dates back at least 100 years. And the religious exemption in the 1964 act simply allowed religious employers to practice faith-based discrimination in hiring, as I also explained. Neither it nor the more expansive exemption adopted in 1972 had anything at all to say about "private funds and worship services" or about

"public funds and social services," as DiIulio reported.

Nor did the presidential executive orders he mentioned expand, or even affect, the ministerial exception, as he stated. Court doctrine can be modified only by judicial action, not by executive order.

But perhaps DiIulio and your readers will be heartened to know that his concern that venerable houses of worship "must go begging" for historic preservation funds is also incorrect. While not mentioned in my series, previous rulings by the U.S. attorney general's office have been reversed to allow such funding. And FEMA, too, will now pay to rebuild religious schools damaged by natural disasters. These developments, of course, are just two more examples of the trend toward greater governmental accommodation of religious groups—which was, in fact, the "story line" of my series.

Diana B. Henriques
Senior Writer
New York Times
New York, N.Y.

Will Power

The Scrapbook was unfair to George Will ("We Don't Need No Stinkin' Soulcraft," Oct. 30). There is nothing inconsistent about condemning gambling while also condemning a "mother-hen" government that foolishly moves to criminalize it.

John Stossel
New York, N.Y.

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False Alarm

For the second time this year, the *New York Times* has taken an interest in the vast collection of documents captured in postwar Iraq. The *Times* first noticed these materials seven months ago, when the U.S. government began posting images of them on the Internet. In a dismissive report, the *Times* noted that intelligence professionals opposed the document release but had gone along under pressure from Republicans engaged in a quixotic attempt to find an *ex post facto* justification (terror connections, weapons of mass destruction efforts) for the Iraq war.

By now, thousands of documents have been posted, and last Friday, the *Times* wrote about them for a second time in its lead story on page one. The government had posted on the site a captured document detailing Iraqi plans for a nuclear weapon dating back to the first Gulf war, in 1991, when Iraq was less than a year away from completing a bomb. This was foolish and dangerous, the *Times* article suggested, as it provided a road map possibly useful to Iran and others seeking to build nuclear weapons. In their misbegotten effort to justify the Iraq war, the *Times* said, congressional Republicans, "conservative publications," and "amateur historians" had caused documents to be released that jeopardized national security. As a result of the *Times*'s harrumphing, the government promptly shut down the document website.

Let us first reiterate what ought to be obvious. The U.S. government should not release documents that damage national security. In a speech this summer, House Intelligence Committee chairman Pete Hoekstra reported that the intelligence community had classified and withheld more than 30 percent of the Iraqi documents it has reviewed. If the intelligence community nevertheless released nuclear plans that really could be helpful to Iran, et al. (which is unclear), then it shouldn't have. Neither Hoekstra nor "conservative publications" nor "amateur historians" urged potentially dangerous disclosures. They simply urged that citizens be allowed to read for themselves what was found in the files of Saddam's regime in order to judge claims about terror connections and WMD threats.

The *New York Times* usually favors making information public. Indeed, twice in the past two years it has published details about eavesdropping and finance-tracking efforts by the U.S. government, two of the most effective and most closely guarded programs in the war on terror. The *Times* stubbornly defended that reporting even after government officials said the articles had done significant damage to national security. No matter, countered the *Times*, the public has a right to know.

But not about Saddam and the captured Iraqi records. And when the documents did begin to trickle out, the *Times* summoned only enough interest to dismiss the effort as a waste of time. So people who get their news from the *Times* may not know about the contents of documents that have already been released. One lays out plans for "Blessed July," an Iraqi regime-sponsored terrorist plot targeting Western interests in northern Iraq and Europe. Another mandates that the Iraqi regime pay foreign terrorists in the country at the same rate it paid its homegrown terrorists in the Saddam Fedayeen. Yet another details an offer from Hamas to stage suicide attacks against Americans. Still another presents a detailed plan for "utilizing" Arab suicide bombers. And on it goes.

And there are other interesting documents that have not yet been released, but whose existence has been reported here and in other publications, as well as in official government reports.

There's the one that confirms Saddam Hussein's Iraq trained thousands of non-Iraqi terrorists from 1998 to 2003. And the one that shows the Iraqi regime provided money and weapons to Abu Sayyaf, an al Qaeda affiliate in the Philippines. And the one that lists hundreds of jihadists imported from Gulf countries before the war. And the one demonstrating that for a decade, ending only with its overthrow, Saddam Hussein's regime harbored and financed the man who had mixed the chemicals for the 1993 attack on the World Trade Center, the native Iraqi Abdul Rahman Yasin. It's a document that might be relevant to the national debate—now in its fifth year—about whether Iraq is part of the war on terror or a distraction from it. And yet the *Times* has not once mentioned it in its pages.

That news apparently isn't fit to print, which is why the document-release project, enlisting the attention of thousands of ordinary, interested web readers, is valuable. Of course the intelligence community should make sure that potentially dangerous information is not released. But as long as the *New York Times* remains an advocate of secrecy and suppression of debate, the American people should see for themselves the evidence about the nature and activities of Saddam's regime.

—*The Editors*

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The Truth About Beslan

What Putin's government is covering up.

BY DAVID SATTER

On September 1, 2004, the children of School Number One in Beslan, a town of 30,000 in the Russian republic of North Ossetia, gathered to go in for the first day of school. Suddenly, the air was filled with machine gun fire. A military truck pulled up and two dozen men with Kalashnikov assault rifles jumped out. Other terrorists appeared out of nowhere. The terrorists herded 1,200 students and parents into the school gymnasium, where they were held for 52 hours before a pitched battle broke out between the terrorists and Russian forces. The fighting led to the deaths of 332 people, including 186 children. It was the worst terrorist act since September 11, 2001.

While it was going on, the Beslan standoff riveted the attention of the world. Once it was over, however, the incident was largely forgotten. The day after the storming of the school, on September 4, bulldozers gathered the debris of the building, including children's notebooks and the body parts of the victims, and removed it to a garbage dump on the outskirts of town.

The survivors, however, wanted justice, and they were plunged into emotional turmoil as they listened to the version of events propagated by the Russian authorities, who put the blame entirely on the terrorists, exonerated officials of any wrongdoing (many of them were later promoted), and refused to listen to the survivors' accounts of what they had seen and experienced.

Some of the parents turned to a cult leader to help resurrect their dead children. Others, however, began their own investigation. They were joined by journalists, a commission of the North Ossetian parliament, and, finally, Yuri Saveliev, a member of the federal parliamentary investigative commission. Aided by testimony at the trial of Nurpashi Kulayev, a surviving terrorist, they carefully reconstructed what had happened. The picture they present raises doubts as to whether even today Russia can be considered a civilized country.

In the aftermath of the Beslan tragedy, three questions are uppermost: Could the attack have been prevented? Were the terrorists—Islamic insurgents and supporters of independence for neighboring Chechnya—willing to negotiate? And, Who started the final, fatal battle? The answers to these questions present a chilling portrait of the Russian leadership and its total disregard for human life.

It is now all but certain that the terrorists' attack on the school could have been prevented. According to internal police documents obtained by the newspaper *Novaya Gazeta*, the Russian Ministry of Internal Affairs in Moscow knew four hours in advance that an attack on a school in Beslan was planned for September 1, 2004. The information came from a man named Arsamikov who had been arrested in the city of Shali in Chechnya. The information, however, was not acted upon.

Equally puzzling, the terrorists trained for weeks without interference in the woods in the republic of Ingushetia, which neighbors North Ossetia, although a bloody terrorist attack less than three months before, on June 21-22, had supposedly put Ingushetia on high alert. The terrorists traveled unimpeded to the school in several vehicles over roads that were supposedly heavily guarded.

Perhaps most unnerving, of the 18 terrorists who were later positively identified, the majority were supposed to have been in prison. The second in command, Vladimir Khodov, a Ukrainian convert to Islam, had been arrested in 2003 for a rape committed in 1998, but was immediately let go. He then was involved in two terrorist acts in North Ossetia, a car bombing in Vladikavkaz in February 2004 and the derailment of a train near his hometown of Elkhotovo in May. Despite this, for a month and a half before the Beslan events, he lived openly in his hometown, spending long hours in the mosque. Other terrorist leaders were wanted criminals of many years' standing who also moved about freely in their home villages.

Besides these indications that the disaster could have been prevented, there is evidence that the terrorists' real aim was not to kill the hostages but to negotiate a political settlement of the Chechen conflict. The terrorists demanded that the president of North Ossetia, Alexander Dzasokhov, begin negotiations with them. But the Federal Security Service (FSB, successor to the Soviet KGB) set up a crisis headquarters from which Dzasokhov was excluded, and threatened to arrest him if he tried to go to the school.

Dzasokhov appealed for help to the former president of Ingushetia, Ruslan Aushev, a critic of Russian president Vladimir Putin, and made contact with a representative of the Chechen resistance in London, Akhmed Zakayev. On September 2, Aushev entered the school and left with 26 hostages, 15 children and 11 women. He also brought out a note with demands from Shamil Basayev, the terrorist leader who had organized

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the attack but was not himself present in Beslan. The existence of the note was concealed from the public. The authorities falsely stated that the terrorists had presented no demands.

In fact, the conditions suggested by Basayev were not unreasonable. While he proposed formal independence for Chechnya in exchange for security for Russia, he also said an independent Chechnya would conclude no military or political agreements directed against Russia, would remain in the ruble zone, and would join the Commonwealth of Independent States. Finally, Basayev said that although the Chechen rebels had played no part in the 1999 apartment building bombings in Moscow and Volgodonsk that had served as the pretext for the start of the Second Chechen War, the rebels would publicly take responsibility for them, an indication that Basayev really believed the bombings had been carried out by the FSB.

At noon on September 3, Zakayev informed President Dzasokhov that Aslan Maskhadov, the former Chechen president, was prepared to come to Beslan to mediate the crisis. Dzasokhov reported Maskhadov's willingness to come to Beslan to General Vladimir Pronichev, the head of the FSB operation on the ground there. The Russian authorities' agreement to allow Maskhadov safe passage would have almost certainly ended the crisis because it would have signified implicit Russian recognition of Chechen aspirations. The Russian authorities, however, did not respond to Maskhadov's proposal. Within an hour, the storming of the school had begun.

Of all the issues connected to Beslan, the most emotional for the survivors was the question of who shot first, provoking the massacre. Survivors testifying at the trial of the surviving terrorist said that the Russians struck first, attacking the school with flamethrowers and grenade launchers. When officials denied that flamethrowers had been used, the survivors presented the court with used tubes from flamethrowers that had been found in the area near the school. The implications of this discovery were harrowing. The flamethrower to which the tubes belonged shoots a capsule that on detonation creates a fireball and a shock wave capable of destroying everything in its path. It is impossible to use the weapon "surgically."

The version of the Beslan parents was supported by the findings of a commission of the North Ossetian parliament. In a report released on November 29, 2005, the commission concluded that the first explosion was produced by either a flamethrower or grenade launcher fired from outside the building.

Russian forces attacked the school in Beslan according to classic military doctrine for destroying reinforced objects without the slightest regard for innocent life.

The most powerful confirmation, however, came in a report released by Yuri Saveliev, a member of the federal parliamentary investigative commission and a highly regarded expert on the physics of combustion. Saveliev, a Duma deputy, was the only such expert on the commission. Saveliev concluded that the first explosion was the result of a shot from a flamethrower fired from the fifth story of a building near the school at 1:03 P.M. The second explosion came 22 seconds later and was caused by a high explosive fragmentation grenade with a dynamite equivalent of 6.1 kilograms shot from another five story building on the same street. The explosions, according to Saveliev, caused a catastrophic fire and the collapse of the roof of the school gymnasium, which led to the deaths of the majority of the hostages. The order to put out the fire did not come for two hours. As a result, hostages who could have been saved were burned alive.

According to Saveliev, another 106 to 110 hostages died after terrorists moved them from the burning gym to the school's cafeteria, which came under heavy fire from security forces using flamethrowers, rocket launchers, and tanks. His analysis thus supports the view of human rights activists that at least 80 percent of the hostages were killed by indiscriminate Russian fire.

When Saveliev presented his conclusions to the other members of the parliamentary investigating commission, he was accused by the chairman, Alexander Torshin, of "deliberate falsification." Saveliev then released his findings independently on August 29 and October 12. The release of the findings of the Torshin commission has been postponed indefinitely.

The evidence that is now available makes it clear that, despite Putin's promise to protect the hostages, Russian forces attacked the school in Beslan according to classic military doctrine for destroying reinforced objects without the slightest regard for innocent life. This was done although agreement had been reached between the former Chechen president and local Russian political authorities on negotiations that would have ended the crisis. It is also possible that the ease with which the terrorists took over the school was not solely the result of official incompetence. The Russian authorities may have deliberately allowed the terrorists to take over the school in order to have an excuse to destroy them.

The sad reality is that 15 years after the fall of the Soviet Union, the role of the individual in Russia has not changed. He is seen as a means to an end, not an end in himself. This is why the lives of the children of Beslan were written off the moment the school was seized, a fact to keep in mind lest we agree to give Russia carte blanche in its own "neighborhood" or look again into Putin's eyes and see something we think resembles a soul. ♦

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Synfuels II

The ethanol numbers don't add up.

BY DAVE JUDAY

THE BUSH ADMINISTRATION is busily at work on a plan that would expand the use of ethanol and other so-called renewable fuels well beyond the 7.5 billion gallons by 2012 already mandated in the Energy Policy Act of 2005. President Bush himself is laying the ground work, touring ethanol plants, touting auto manufacturers who build "flex-fuel" cars, and leading energy policy pep rallies. A former Texas oilman, Bush has become an unlikely cheerleader for motor fuels distilled from Midwestern corn and other plants.

When President Bush highlighted ethanol in his 2006 State of the Union speech and described America as "addicted to oil," it was reminiscent of Jimmy Carter's call in the 1980 State of the Union for a "massive" investment in what were then called "synthetic fuels"—namely, some 500 million gallons of ethanol that would break the country's "excessive dependence on foreign oil." Bush, however, may be about to raise Carter's bid by two orders of magnitude, calling for the production of 50 billion gallons of ethanol, or 25 percent of the projected total motor fuel supply, by 2025.

That would be one heckuva corn crop. But according to administration sources, the president's forthcoming renewable fuel plan will not be based on expanding the corn supply. Rather it will be pinned on the hoped-for payback on federal investments made in producing ethanol from so-called cellulosic biomass. As congressional testimony from the Bush Department of Agriculture admits, since "the supply of corn is relatively small compared with U.S. gasoline demand, other domestic sources of renewable and alternative energy must be developed to replace petroleum-based fuels if the United States is to reduce its dependence on imported oil."

So while it is transparently clear that the supply of corn-based ethanol is limited by the ability to produce corn and the competing demand for corn as human food and livestock feed, ethanol advocates take refuge in the potential of producing fuel from cellulosic biomass and are ready to expand not only incentives, but also quotas and mandates to increase its use. This is a dangerous wager. Cellulose is a complex sugar, found in wood, grass, and straw. It is difficult to dissolve, and the sugars it yields are very difficult and costly to ferment. Scientists and researchers are still trying to identify or develop an enzyme that will more readily ferment cellulosic sugars, which, as it turns out, is a much taller order than the already commercialized process of fermenting corn and sugarcane into alcohol.

Nonetheless, ethanol made from other plants—particularly switchgrass, a native prairie grass—is fashionable among the opinion elite. In fact, Bush's advocacy of cellulosic ethanol has cast him with some unlikely allies. For example, though he remains the *bête noire* of the *New York Times* editorial page, the president and the *Times* are simpatico on cellulose.

Consider a *New York Times* editorial from May 1 of this year: "Until recently, the only ethanol anyone had heard about was corn-based ethanol, a regional curiosity that accounts for about three percent of the nation's fuel and suffers from its association with the agribusiness lobby and with presidential candidates hustling support in the Iowa primaries. What the experts are talking about now, however, is cellulosic ethanol, derived from a range of crops, native grasses like switchgrass and even the waste components of farming and forestry—in short, anything rich in cellulose."

If corn ethanol is, as the *Times* calls it, a "regional curiosity," then cellulosic ethanol remains but a laboratory novelty—indeed, it can be produced in the lab, just not in an economically viable way. According to the Department of Energy's National Renewable Energy Laboratory, the cost of producing ethanol from cellulosic biomass averages $2.57 per gallon. The cost of producing ethanol from corn—depending on the price of corn and natural gas—fluctuates between $0.85 and $1.05 per gallon.

Moreover, in the country's more than 100 ethanol mills, one metric ton of corn produces on average about 110 gallons of ethanol. Meanwhile, Iogen Corporation, a Canadian firm that is the only company to produce cellulosic biomass on any scale, says their demonstration plant "is designed to process about 30 tonnes per day of feedstock, and to produce approximately 2.5 million litres of cellulose ethanol per year." That's a ratio of about 60 gallons of ethanol from one metric ton of cellulosic feedstock.

In other words, the best proven scenario so far is that cellulosic biomass yields about three-quarters as much fuel as does corn, at about two and one-half to three times the cost. But even that is not a fair comparison of the real gap between corn and cellulose. There is such a huge practical gap between the two in terms of commercial infrastructure that, even if the fermentation technology for cellulose were perfected tomorrow, the United States would be decades away from relying on cellulosic ethanol in the amounts now being proposed.

Consider: Corn has been traded since the Pilgrims landed at Plymouth Rock and the Indians met them, ears of maize in hand. Seed research and technology have been intensively developed since at least 1862, when Abraham Lincoln founded the Department of Agriculture to do just that—improve seeds. Planting and harvesting technology have steadily

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improved since 1837, when a blacksmith named John Deere built better plows. And so forth, and so on. In short, the modern agricultural economy provides a highly complex commercial infrastructure to bioengineer, plant, harvest, transport, process, and sell corn.

A bushel of corn can produce 2.8 gallons of ethanol, or it can produce edible oil, livestock feed, high fructose sweetener, and other marketable by-products. Whatever the fluctuations in demand for these end products, it remains a valuable commodity. Furthermore, the financial infrastructure surrounding corn is sophisticated enough that venture capitalists and pension funds invest in corn futures contracts. Same with crude oil. Biomass—or as the *New York Times* puts it, "native grasses" and "the waste components of farming and forestry"—is, to say the least, a long way from having the infrastructure capable of turning it into a reliable source of motor fuel sufficient to power the family automobile, round trip, one of every four times the ignition is turned.

Let's look at harvest figures. This year, more than 11 billion bushels—about 308 million tons—of corn will be picked in a matter of a few weeks from between 75-80 million acres. Compare that with forestry biomass. According to a detailed analysis by the Departments of Energy and Agriculture, forest land in the United States could produce 368 million tons of renewable biomass annually by 2030, albeit over a land mass about 10 times larger than the farmland planted in corn.

But the comparison gets worse when one starts to read the footnotes. The forestry industry is already using 142 million tons, and fireplaces and wood stoves and utilities consume another 35 million tons. Of the remainder, 36 million tons is assumed to come from such unlikely sources as discarded wooden furniture, urban tree trimmings, and leftover lumber from new construction—all mind-bogglingly inefficient to harvest in large quantities. Another 89 million tons is merely projected growth in forestry products.

So the actual amount of biomass feedstock might be 66 million tons—with no existing process to harvest, store, or transport it to ethanol plants in the Midwest, and no ethanol plants near most of the forest land. And that assumes away the political problems that have already led to a lawsuit against the president's 2003 Healthy Forests Initiative—an initiative designed to make it easier to harvest dead wood and forest underbrush. Does anyone believe environmentalists would be less opposed to such gleaning if it were being done to produce more auto fuel?

What about the crop residue that is touted as a feedstock for ethanol? Well, first, one must come to grips with the logical disconnect of the proposition that the lower energy parts of a plant left over after the high energy parts are harvested would, in fact, be an efficient ethanol feedstock. One must also consider the important economic—and environmental—role that crop residue plays in modern agriculture.

Thanks to biotechnology, precision application of pesticides, and modified planting techniques, crop residue can be left to rot in the fields, which increases the nutrient quality of the soil and no longer needs to be plowed under before the next planting. This reduces the costs of production; no plowing means eliminating one time the tractor has to be driven across the field, saving fuel and equipment wear and tear. Greater nutrient quality means lower fertilizer costs. Moreover, the development of conservation tillage has virtually stopped soil erosion, thereby helping protect and improve water quality. Removing crop residue for use as biomass would reverse all these conservation achievements.

That brings us to switchgrass, the most touted alternative to corn in the making of ethanol. Ironically, one of the most prominent arguments that folks in federally supported laboratories and at newspaper editorial pages use to promote switchgrass is that it is so much cheaper than corn. The implication is, since there is no market for switchgrass now, ethanol mills could get it for a song. The fact that switchgrass has no market, however, is exactly why farmers won't like it. Why would a farmer want to grow a crop that gives him a lower return than the corn he's already growing? In fact, corn enjoys a generous subsidy—about $10 billion in 2005—and yet, because of the cost of production and despite the new ethanol demand that came on line via federal mandate in 2006, farmers planted fewer acres of corn this year than last. Corn must compete with other crops and uses for farmland that may produce higher returns.

Making matters worse, switchgrass requires a long-term commitment for a farmer. Because of its root structure, switchgrass can't be harvested the year it is seeded; then it is best managed as a 10-year stand. That is a practical impediment for farmers looking to produce for a market that fluctuates from year to year. The only way ethanol distillers will get a steady supply of cellulosic feedstock is if the return is equal or better for the farmer than the return on other commodities. So much for the cheaper feedstock theory.

In short, cellulosic biomass presents what economists call significant "opportunity costs." Farmers aren't going to grow switchgrass if they have to forgo income opportunities from growing crops like corn, where they know there is a major commercial infrastructure—physical and financial—supporting the demand for its use. Likewise, lawsuits and environmental policy aside, no one is going to glean their way through forests, curbside tree and shrub trimmings, and used furniture stores to generate enough wood to replace significant amounts of the U.S. motor fuel supply. To believe otherwise shows a profound misunderstanding of commodity economics.

The view that biomass straw can be spun into gold without fundamental shifts in economic incentives, or can be mandated without dire consequences, is the modern-day version of Rumpelstiltskin. ♦

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Shiites Against Hezbollah

The other struggle in Lebanon.

BY DAVID SCHENKER

HEZBOLLAH ROCKETS stopped raining on Israel nearly two months ago, but the Shiite organization's onslaught continues. Today, instead of directly attacking Israel, the Party of God is targeting Lebanese intellectuals and politicians who have the temerity to question Hezbollah's hegemony over local Shiite politics.

There's no debating that Hezbollah is a popular organization in Lebanon and particularly among Shiites. Not only does the organization provide health, welfare, and education services to its constituents, its military prowess is a source of honor and pride for the community.

But not all Shiites support Hezbollah. Some have been voicing their opposition to the "resistance" agenda, and not surprisingly, Hezbollah is attempting to strong-arm these dissidents into line. The intimidation has not yet degenerated into violence, but, given Hezbollah's track record (the terrorist organization is, with Syria, a leading suspect in several political assassinations in Lebanon since 2005), it is certainly wont to.

Hezbollah's quest for hegemony—and its efforts to enforce party-line discipline over all the Shiites in Lebanon—predates the summer war with Israel. Eleven months ago, in December 2005, Hezbollah and Amal ministers bolted from the government cabinet to protest consideration of an international tribunal to prosecute the murder of former Lebanese prime minister Rafik Hariri. Closely allied with Syria, the lead murder suspect, Hezbollah opposed the notion of an impartial tribunal.

The ministers' departure brought government business to a standstill, but set in motion even more Hezbollah mischief. Worried that the government might appoint non-Hezbollahis to the apportioned Shiite cabinet seats, cleric Afif Nabulsi issued a *fatwa* "forbidding any Shia to enter into the cabinet." This ominous "warning" set off a tempest among the Lebanese intelligentsia. Adonis, aka Ali Ahmed Said, Lebanon's most prominent man of letters (who happens to be a Sunni), described the *fatwa* as an "act of aggression." The most aggrieved party, however, were clearly the Shiites themselves. So incensed was one Shiite lawyer, Mohammed Mattar, that he brought a class action lawsuit against Sheikh Nabulsi.

Mattar's lawsuit, filed in January 2006, was joined by five prominent Shiites—some of whom had the legitimacy of being direct descendants of the prophet Muhammad—and three Christians. Over fifty intellectuals, including Sunnis, joined a follow-up case. For the plaintiffs, the action was a clear case of church-state separation: Hezbollah, via Sheikh Nabulsi's threatening *fatwa*, had deprived Shiite Lebanese of their constitutional right to participate in public life. Mattar *et al* were not looking for damages or jail time, but rather, for a well-reasoned and widely promulgated court ruling preventing further Hezbollah encroachment on Shiite political expression.

It is open to question whether the judge—a young Sunni hailing from the Hezbollah stronghold of Bekaa—can be counted on for an impartial ruling. Reaction to the case, which has been well covered in the media, has been fierce. Hezbollah has launched a countersuit. Meanwhile, pro-Hezbollah weblogs in Lebanon have savaged Mattar, alternately describing him as a CIA agent, a Mossad agent, and an employee of the U.S. embassy in Beirut.

More recently, in the aftermath of fighting between Hezbollah and Israel, perhaps the highest profile Shiite *refusenik* in Hezbollah's sights is Mona Fayyad, a professor of philosophy at The Lebanese University. On August 8, Fayyad penned an acerbic op-ed in Lebanon's paper of record, *An-Nahar*, assailing Hezbollah's political and intellectual dominance over her confession. In her widely translated article, "To Be a Shiite Now," Fayyad questioned the imposition of Hezbollah's ideology—and the consequences of Hezbollah's authority—over Shiites and Lebanon.

For Fayyad, to be a Shiite means that "you do not question the meaning of resistance." Instead, you defer to the leader of the resistance, General Hassan Nasrallah, in "his role as a loyal hero to the cause of the Arab nation." As a Shiite, "you can only thank Hezbollah for its heroism and sacrifice—it is not your role to contribute to 'weakening' it. . . . That means never to question whether pride takes precedence over the lives of others." You are simply obligated, she quips, to "incapacitate your mind and leave it to [Iranian Supreme Leader] Sayyid Khamenei to guide you." Finally, "if you are a Shiite and you dare write such writings and think such thinking, then you must be a foreign agent and a traitor. . . . You must be with the Zionist and Israeli projects."

Following her controversial op-ed, Fayyad gave a lengthy and courageous interview in September to the Kuwaiti political daily *As Siyasah*, where she criticized Hezbollah's alliance and allegiance to Syria and

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Iran. She was also critical of Hezbollah's continued possession of weapons, saying "Hezbollah's arms provide it with a type of hegemony . . . inspiring fear for security among all the Lebanese." Fayyad was also one of the signatories to the lawsuit against Sheikh Nabulsi.

While they do not represent majority sentiment in Lebanon's Shiite community, Mohammed Mattar and Mona Fayyad do represent an important and apparently growing segment of the population—Shiites who have no use for Hezbollah, Amal, or Iranian or Syrian suzerainty over Lebanon.

Lokman Slim, a Shiite who runs a Beirut-based, European-funded NGO focused on diversifying political representation of the Shiite community, is another outspoken critic of Hezbollah. Slim, who speaks critically about the "monopoly on representation," claims Hezbollah has "undermined" the level playing field among Shiites by preventing moderates from emerging. Slim's point, of course, is that such moderates could play a role in Lebanese politics if the intimidation stopped.

This raises an interesting point: Hezbollah was indeed elected to the Lebanese parliament, but the organization is not constrained by the precepts of democratic government. Rather, it demonstrates nothing but contempt for democracy, operating instead within a theocratic-autocratic context. Nasrallah himself feels no compunction to abide by even the bylaws of his own party. He is now serving his fifth three-year term, exceeding Hezbollah's two-term limit on secretary generals. And if Hezbollah's leader won't even respect his own party's rules, how is the party going to be persuaded to observe all the niceties of multiparty democratic government?

Achieving pluralism within Lebanese Shiite politics is a long way off. In addition to being the leader of the "resistance," Hezbollah represents the culmination of years of Shiite effort to have a significant role in Lebanon's political system. Convincing the long-suffering Shiites in Lebanon that they can remain influential without Hezbollah is going to be a tough sell.

Lebanon's Shiite community is not monolithic: There are alternative voices, articulating moderate agendas. And if Hezbollah is ever going to be stripped of its dominant power over the Shiites in Lebanon, these voices will have to be promoted and encouraged. But in the current environment of intimidation, the hope that moderates like Mona Fayyad, Mohammed Mattar, and Lokman Slim will emerge to seriously challenge Hezbollah dictates sadly remains a distant dream. ♦

And They Said It Wouldn't Last

Germany's grand coalition survives its first year.

BY VICTORINO MATUS

After Germany's election debacle in September 2005, when none of the major parties had enough support to govern alone or with a junior partner, the Christian Democrats and Social Democrats agreed to work together for only the second time in postwar history. That such a Grand Coalition occurs rarely is obvious: Imagine the United States governed by a Republican *and* Democratic administration, with a President Bush and a Vice President Kerry—and imagine that government reforming the nation's health and welfare systems. One conservative member of the Bundestag captured the awkwardness of the arrangement when I asked him how it felt to be back in power after years in opposition. With an uneasy smile, he replied, "It's like being married to my aunt."

Yet despite its seemingly untenable nature, the coalition is now nearing its one-year anniversary and taking credit for an increase in the economic growth rate, consumer spending, and tax revenues. According to the *Financial Times*, the country's social security system collected more contributions than it paid out for the first time in more than ten years. Members of the Merkel government are now predicting the coalition will last a full four years before the next general election. But while the chancellor herself continues to enjoy a popularity rating above 50 percent, Angela Merkel's party, the Christian Democratic Union, is polling at a mere 32 percent—near an all-time low and tied with the Social Democrats.

The reason for this, according to critics of the government, is that all is in fact not well. In an op-ed last June in the *Wall Street Journal Europe*, Guido Westerwelle, chairman of the fiscally conservative Free Democratic party, said the coalition "is proving to be only one thing for Germany's citizens: extremely costly." Westerwelle criticized the tax hikes, especially an increase in the value-added tax from 16 percent to 19 percent next year, and a new "wealth tax" that reflects "the government's unwillingness to make fiscal discipline the principle of their policies." Westerwelle pointed to the 70 million euros Germany sends to China each year in development aid and massive subsidies for the coal industry as evidence of wasteful spending. "This coalition has betrayed its voters," he declared.

Members of the coalition posit that there is only so much they can realistically accomplish given the circum-

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stances. During a visit to Washington last month, Roland Koch, the Christian Democratic governor of Hessen and fiscal policy adviser to Merkel, said his assumption "is that we can solve the budget problem and we can solve the taxation problem, but we cannot solve the labor market problem in the given period of time." Koch, a possible chancellor candidate himself, was optimistic about reducing company tax rates and cutting unemployment numbers from 4.4 million to below 4 million.

Describing the government as "a coalition of small steps," Koch explained that "the compromises between these traditional antagonists in economic policy are so difficult that you cannot hope that they will solve these things that others were incapable of doing before. . . . We told the people that some reforms were impossible while others will be made."

Claus Gramckow, acting director of the FDP-affiliated Friedrich Naumann Foundation in Washington, strongly disagrees: "They were elected because the people expected them to do big steps. The voters thought last year [that] only a Grand Coalition can solve these big problems." As for the improving economy, Gramckow says it is due mainly to the World Cup and the postponing of the value-added tax increase until next year. And with major health care reforms delayed until 2009 and no labor market reforms on the horizon, Gramckow considers the Christian Democrats to have succumbed to SPD demands: "We can easily say there are two Social Democratic parties in power right now."

The disillusionment among the Free Democrats is nothing to shrug at, considering the latest polls have them at 12 percent—the highest of any minor party and well above their usual 7-8 percent. The FDP's increase in popularity has given the party new leverage and potential to be a spoilsport. Although historically allied with the CDU, the Free Democrats have worked with Social Democrats in the past. (Helmut Schmidt's government fell in 1982 when the FDP switched sides, making Helmut Kohl chancellor.) They've been sharing power with them in the state of Rhineland-Palatinate for the last 15 years, partly under Governor Kurt Beck. As chairman of the SPD and heir to Gerhard Schröder, Beck could challenge Merkel (possibly in 2008 if the CDU suffers heavy losses in state elections that year) with the aid of the Free Democrats.

But would the FDP really consider switching partners, leaving Merkel out in the cold? "If new elections happen," says Gramckow, "all options are open." Roland Koch, however, warns that the Free Democrats "will lose a lot of voters they have in the polls now, when they cannot assure every voter that at the end they will cooperate with the Christian Democrats." (A sizable contingent of FDP supporters are conservative crossovers from the CDU and not liberal converts from the SPD.)

Not that everything is falling apart in Germany. Free Democrats and others give the government high marks on foreign policy, applauding Merkel for mending transatlantic relations, distancing the country from Russia, and setting a bold agenda for the European Union when Germany takes over the E.U. presidency in January.

Meanwhile, on immigration, governors like Koch in Hessen and Jürgen Rüttgers in North Rhine-Westphalia have taken harder lines in light of the riots in France and concerns over terrorism (police and counterintelligence units thwarted a terrorist plot to bomb trains inside Germany in July). Earlier this year, Rüttgers was in Washington and, when asked about immigration policy, responded firmly that integration was the goal.

"Those who come to our country have to become a part of our society," said Rüttgers. "I am not willing—for cultural or religious reasons—to accept another image of what another human being is supposed to be. I am not willing to accept that women do not have the same rights as men. . . . We cannot have a situation where young people of Turkish origin, because they don't speak German well enough, do not complete school, and then don't find any work."

"[Immigrants] are no longer allowed to be in the regular school classes as long as they are not able to speak the language," Koch told me. "It was a failure to be tolerant of that in the last two decades, so we have too many young jobless people today. They have no capability to speak and write in our own language. It is the reason they cannot be integrated into the labor market." As for a solution, both Rüttgers and Koch mentioned remedial language courses their state governments provide, especially for the young.

Interior minister Wolfgang Schäuble also recently addressed the need for integration with respect to Germany's three million Muslims. "If they are part of Germany, they have to accept fundamental rules of life and society in Germany. For instance . . . not to try to arrange marriages between sons and daughters or to send girls back to Turkey to get a man they have never seen before, to get married and come back, and so on. And to understand that they have to fight terrorism as well because it is in their own interest."

When asked about Pope Benedict's recent remarks on Islam and reason that sparked riots in the Middle East, Schäuble was particularly eloquent: "[The pope] gave a very interesting position that science and faith are not opposite. And in his speech he quoted a debate between a former emperor . . . and a Muslim. It was a very interesting debate. And to use such a quote you may say it's not helpful. You may say it's okay. You may say it's an interesting speech. But I will never accept that it's not allowed for the pope or for anyone else to make such a speech. If we start to resign, we will not succeed in convincing other people that the freedom of speech, freedom of thought, and tolerance are better than fundamentalism."

In this otherwise awkward and fragile coalition, the interior minister remains one of the few figures of strength. Germans give him an approval rating of 66 percent, higher than any other politician—including Angela Merkel. ♦

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The 'Good Judge'

Antonin Scalia's two decades on the Supreme Court

By Terry Eastland

"My only agenda is to be a good judge."
—Antonin Scalia, in his 1986 Senate Judiciary Committee confirmation hearing

During this time of conservative angst, of worry about what conservatism stands for and means, why not consider the contribution to the country of someone who is not a politician but a judge—actually a justice of the Supreme Court—appointed by President Reagan back when things were good (or at least so memory tells us)? Antonin Scalia is this man. This past summer he concluded his 20th term on the Court, a milestone reached by only 36 of our 109 justices. Among current justices, only John Paul Stevens, appointed in 1975, has served longer. Scalia, 70 and in good health, may well join the handful of justices (including Stevens, 86) whose High Court tenures lasted at least three decades.

Born the only child of Eugene and Catherine Scalia in Trenton, N.J., and raised in New York City, Scalia went to St. Francis Xavier, a military prep school, and then to Georgetown University, where he finished first in his class. At Harvard Law, he was note editor of the school's law review. Graduating magna cum laude in 1960, he worked in a top-tier law firm, taught at the University of Virginia law school, and served in the Ford Justice Department as assistant attorney general in charge of the Office of Legal Counsel, where some of the department's finest lawyers work. After that he spent five years on the faculty of the University of Chicago law school while also editing *Regulation* magazine.

During the Reagan presidency, Scalia was an obvious choice for a seat on an appeals court, and in 1982 Reagan named him to the U.S. Court of Appeals for the District of Columbia Circuit. Seemingly, there was only one more place Scalia could go, and that was several blocks up the street to the Supreme Court, where Reagan sent him in 1986. He was confirmed by the Senate 98-0, fittingly, on Constitution Day, September 17.

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Scalia is deservedly held in high regard for his intellect and wit and writing ability. He compares favorably with two of the Court's greatest stylists, Oliver Wendell Holmes and Robert Jackson. Of his 635 opinions so far, a large number—beginning with his solitary dissent in the 1988 case sustaining the independent counsel statute, *Morrison* v. *Olson*, a dissent already vindicated by the passage of time—will be taught in law schools many decades hence. Scalia's opinions are essential in evaluating his work, to be sure, but to see his unique contribution as a justice, it is necessary to place his arrival at the Court in historical context. Someday it may be said of Scalia that he was the justice who pioneered the effort to put the text back into statutory law, and the Constitution back into constitutional law.

Judges make their appearance in Article III of the Constitution, which vests "the judicial power" in "one Supreme Court" (and in such inferior courts as Congress may ordain and establish). This power extends to "all cases, in law and equity, arising under" the Constitution, federal statutes, and treaties. It is a power that entails interpretation and application of those laws. And it is a power that the Framers understood as limited. Judges, they believed, shouldn't make law, since that authority belongs to the people and is to be exercised through their elected representatives.

More than a century ago, in the hands of the Supreme Court, the judicial power began to undergo a transformation that was well advanced by the time Scalia was in elementary school. In the 1986 book tracing the evolution of the judicial power, published just as Scalia joined the Supreme Court, political scientist Christopher Wolfe described the emergence of "judge-made law," which, against the hopes of the Framers, had become "another variant of legislative power."

The growth of judicial power is in an important sense a story of liberties taken with texts—specifically of the refusal by justices to follow the text of laws as understood at the time of their enactment and of the willingness by courts to "interpret" the law in light of various extratextual considerations. The kind of text in a given case—statutory or constitutional—did not matter. The result was the

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same: The people's text, whether made by majorities or, in the case of the Constitution, supermajorities, would be displaced by the judges' text. The justices became lawmakers.

The change in judicial power drew a political response in 1964 when Barry Goldwater, the Republican presidential candidate, called the Court the "least faithful" of the three branches to "the principle of legitimacy in the exercise of power." That marked the first time in the 20th century, writes Lucas Powe in *The Warren Court and American Politics*, that a major party presidential candidate made the Court a campaign issue. Scalia, as it happens, voted for Goldwater, who objected in particular to the Warren Court's criminal procedure decisions.

In 1968, Richard Nixon also campaigned against those same decisions, which now included the 1966 case of *Miranda* v. *Arizona*, arguably the Warren Court's most controversial, in which it set forth policy governing police interrogations of criminal suspects, one that all 50 states had to follow. *Miranda* was a constitutional case, but the opinion said little about the relevant Fifth Amendment text. It had, as Lucas Powe points out, an obvious "legislative quality" to it. Having vowed to choose judges who were "strict constitutionalists" and promising in particular not to pick as a justice a "super-legislator with a free hand to impose social and political viewpoints upon the American people," Nixon appointed four justices during his first term. But soon it was apparent that only one, William Rehnquist, was much of a threat to the expansive understanding of judicial power and to the decisions like *Miranda* that it had generated. Indeed, it was the Supreme Court shaped by Nixon and a Democratic Senate that declared a constitutional right to abortion in the 1973 case of *Roe* v. *Wade*—a decision that invalidated virtually every state law on abortion.

In 1980, Ronald Reagan also promised to appoint constitutionalists, men and women who would interpret the law and not rewrite it. The Reagan years saw intense controversy about the proper exercise of the judicial power—even before the failed nomination in 1987 of Robert Bork to the Supreme Court. But of the three new members Reagan named to the Court—Sandra Day O'Connor in 1981, Scalia five years after that, and Anthony Kennedy in 1988—only Scalia has undertaken to challenge the transformation of judicial power.

Indeed, Scalia's tenure on the Court may be understood as an exercise in standing athwart history yelling stop—athwart the decades-long succession of cases by which the judicial power was transformed and the justices became lawgivers. During his confirmation hearing in 1986, Scalia told the Senate Judiciary Committee, "My only agenda is to be a good judge." It is clear in retrospect—if it was not at the time—that "a good judge," to his mind, was not the sort that had often preceded him to the High Court.

Scalia's view of what a good judge is starts with the fact that ours is a constitutional democracy. We are a people (Scalia would say) who have chosen to govern ourselves through a written Constitution to which we have not assigned every authority, as we have left some to the states. (Federalism is what we call this dual sovereignty.) We have taken the legislative, executive, and judicial powers, and vested them in, respectively, Congress, the president, and the judiciary. And while Congress and the president share in the exercise of some powers—for example, the president and the Senate share the power to appoint (but not to nominate) judges—the judiciary does not. It exercises only the judicial power. And, in cases of law, for Scalia as for the Framers, the judicial power is the power to *interpret* the law, not to make it. It is telling that the title Scalia chose for the 1997 book collecting the Tanner Lectures he gave at Princeton in 1995, in which he set forth his view of judging, is *A Matter of Interpretation*.

With regard to statutory interpretation, Scalia says that a judge should gather the meaning of a statute from the text of the law, that is, its actual words. A non-lawyer might think this is to state the obvious. But in the 1940s, the U.S. Reports began to thicken with cases in which the justices "interpreted" a statute by moving beyond its text to its supposed "intent" or "purpose" or "spirit," which they often found in the statute's legislative history—statements made in floor debates, committee reports, and committee testimony. In *Antonin Scalia's Jurisprudence*, published earlier this year, political scientist Ralph Rossum identifies 10 major cases decided during the decade before Scalia was appointed in which the Court "displaced the plain meaning of the statute in question with what it took to be the intention of the legislature that it had gleaned from the statute's legislative history."

One such case was *United Steelworkers* v. *Weber*, decided in 1979. At issue was whether a racial quota in employment violated Title VII of the Civil Rights Act of 1964. Title VII is an unambiguously colorblind statute, demanding nondiscrimination on account of race. Yet the Court (with Justice William Brennan writing) derided "literal interpretation" of the statute and said that the prohibition of nondiscrimination must be read "against the background of the legislative history of Title VII and the historical context from which the Act arose." Having assumed the legislative reins, the Court proceeded to rewrite Title VII to permit discrimination.

This kind of freewheeling statutory interpretation can be found in the late 19th century. In his Tanner Lectures, Scalia held up *The Church of the Holy Trinity* v. *United States*, decided in 1892, as "the prototypical case involving the

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triumph of supposed legislative intent over the text of the law." The case is remarkable not least because the Court got the meaning of the text right before it found multiple ways around it.

The facts were simple: A New York City church contracted with an Englishman to cross the ocean and be its rector and pastor. The government said the contract violated a federal statute making it illegal for any person to "in any way assist or encourage the importation or migration, of any alien, . . . into the United States, . . . under contract or agreement . . . made previous to the importation or migration of such alien . . . to perform labor or service of any kind in the United States." The government won but the church appealed, and the Supreme Court engaged in a Scalia-like analysis of that text and the larger statute of which it was a part to conclude that the contract indeed violated "the letter of the law." Whereupon the Court declared its inability to believe that "Congress intended to denounce with penalties a transaction like that in the present case." And so the Court interpreted the law according to "the intent of the legislature," which it gleaned from a variety of sources including "the reports of the committees of each house." In a huge extratextual leap, the Court also said the law couldn't have been intended to bar the church's transaction with said alien rector. After all, "no purpose of action against religion can be imputed to any legislation, state or national, because this [the United States] is a religious people."

Church of the Holy Trinity has long stood for the principle that, as the Court put it, "a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers." One reason the case stands out for Scalia is that, as he observed in the Tanner Lectures, it "is cited to us whenever counsel wants to ignore the narrow, deadening text of the statute, and pay attention to the life-giving legislative intent. It is nothing but an invitation to judicial lawmaking."

For Scalia, the right kind of judging is much different. It construes the text of the statute, he says, neither "strictly" nor "liberally" but "reasonably." The judge—the good judge—should ask what the statute meant to the legislators who enacted it and the people whom it obligates and also—as the Court did in *Holy Trinity* before it went off the rails—understand the statute in terms of the law or code of which it is a part. Dictionaries, including ones from the era in which the law was enacted, may prove helpful.

And why not repair to "intent" in determining the meaning of a statute? Legislators, says Scalia, have many different reasons (or none at all) for voting for a bill, defeating the possibility of any singular or collective intent. And the sources judges typically turn to in search of legislative intent—in the legislative history—can't be taken at face value, given that such history has been known to be manufactured to serve strategic purposes, including that of trying to persuade a judge open to it. But even assuming that legislative intent can be found, Scalia objects to it for a fundamental reason: It's not been passed by both houses and presented to the president for his signature, as Article I of the Constitution requires a law to be. In short, it is not a law—a point humorously made in a concurring opinion by Scalia: "We are a Government of laws, not of committee reports."

For Scalia, the starting point for constitutional interpretation is recognition that the Constitution, as he put it in the Tanner Lectures, is "an unusual text." It is the supreme law through which we govern ourselves and thus does not contain "nit-picking detail" (which detail is found in the mind-numbing U.S. Code). Its words and phrases should be given, says Scalia, "an expansive rather than narrow interpretation—though not an interpretation the text will not bear." Not "strict construction" but "reasonable construction" is the goal.

Here, too, Scalia is a textualist, since he starts with a legal text, the Constitution. And he is an "originalist," since he seeks the "original meaning" of the text. He does so not by pursuing the subjective intentions of individual framers, but by asking how the text was understood by the society that adopted it. Nor is Scalia unaware of the difficulties posed by originalism, for as he said in his Taft Lecture at the University of Cincinnati in 1988, "historical research is always difficult and sometimes inconclusive."

Scalia emphasizes that the Constitution not only contains explicit declarations of individual rights but also sets forth structural principles, chief among them federalism and the separation of powers. We govern ourselves through the Structural Constitution, as it has been called, but it also protects our liberties. For Scalia, a judge—a good judge—enforces the entire Constitution, including its structural principles.

Scalia qualifies his textualist approach when the original meaning of a provision is inconclusive. A good judge, in his view, will not take the lack of clarity as an invitation to make law but instead consider legal tradition—common law decisions and laws enacted by the states, in particular. If an asserted right has support in those traditional legal materials, then a judge should acknowledge it. If, on the other hand, the challenged government practice has support, a judge should sustain it. Scalia felt compelled to do that in a 1990 case in which he was in the minority. As he explained, "When a practice not expressly prohibited by the text of the Bill of Rights bears the endorsement of a long tradition of open, widespread, and unchallenged use

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that dates back to the beginning of the Republic, we have no proper basis for striking it down."

For obvious reasons, Scalia's constitutional jurisprudence is often described as one of "text and tradition." Indeed, he has often put it that way himself. But it bears emphasis that, for Scalia, nothing other than text and tradition is relevant to the task of interpreting the Constitution. Scalia explicitly rejects resort to natural law, however defined, and international law. The Court's citation of foreign law in a 2002 case drew a witty response from Scalia. Having in mind Chief Justice John Marshall's famous statement "We must never forget that it is a constitution we are expounding" (*McCulloch* v. *Maryland*, 1819), Scalia wrote: "We must never forget that it is a Constitution for the United States of America that we are expounding."

Scalia's approach to constitutional interpretation stands in contrast to that which came to dominance more than a half century ago. Indeed the transformation of judicial power such that it became, to recall Wolfe's description, "another variant of legislative power" most visibly and notoriously occurred in constitutional cases.

An important piece of that story concerns the Court's view of the clause found in the Fourteenth Amendment guaranteeing that no state shall deprive a person of life, liberty, or property "without due process of law." The due process clause—also in the Fifth Amendment, where it limits the federal government—originally meant that government must satisfy certain procedures when moving to deprive an individual of life, liberty, or property.

But in the early 20th century, the Court read the clause to impose not merely procedural but also substantive limitations on government power. In a 1905 case, *Lochner* v. *New York*, for instance, the Court, citing the "liberty of contract," struck down a New York state law limiting the hours that bakery employees could work. The Court eventually abandoned "economic substantive due process." But it didn't give up the idea that "substance" of some kind—not found in the text or history of the Constitution—may be poured into the due process clause. And in the 1960s and early 1970s, personal choice and privacy became the new substance so protected. Indeed, Justice Harry Blackmun's opinion for the Court in *Roe* v. *Wade* located the abortion right in the due process clause of the Fourteenth Amendment. As one might expect, Scalia has issued a comprehensive indictment of the doctrine: "The entire practice of using the Due Process Clause to add judicially favored rights to the limitations upon democracy set forth in the Bill of Rights (usually under the rubric of so-called 'substantive due process')," he wrote in a 1999 case, "is in my view judicial usurpation."

Substantive due process was only one tool among many by which judicial power was transformed. And in the era of transformation, the Structural Constitution didn't seem to matter much. The Court tended to leave questions of federalism to the political process. As for the separation of powers, it treated the legislative and executive branches not so much in terms of their distinctive character, but as authorities that might be commingled to accomplish desirable governmental results.

Scalia has a simple way of capturing what happened to constitutional interpretation. It came to serve the "Living Constitution," which Scalia defines as "a body of law that (unlike normal statutes) grows and changes from age to age, in order to meet the needs of a changing society." Justices who embraced the Living Constitution were often candid about its evolution and their role in bringing it about. In *Trop* v. *Dulles* (1958), the Court said that "the words of the [Eighth] Amendment are not precise . . . their scope is not static. The Amendment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society." Eight years later in *Harper* v. *Virginia Board of Elections*, the Court observed that "we have never been confined to historic notions of equality" and that "notions of what constitutes equal treatment for purposes of the Equal Protection Clause do change." In opposition to the Living Constitution, Scalia once declared: "I defend a dead Constitution." Scalia is quick to point out that the "dead Constitution" contains an amendment process by which Americans, and not judges, can alter the Constitution in order to meet "the needs of a changing society."

In statutory as well as constitutional interpretation, Scalia believes that judges, as much as possible, should articulate and enforce general and clear rules. Such rules provide notice and certainty to citizens who live under law. They also ensure equal protection. They provide guidance to the lower courts. And they constrain judicial discretion. Scalia summed up his belief in general rules in the title of his 1989 Holmes Lecture at the Harvard Law School: "The Rule of Law as a Law of Rules."

For Scalia, the rule of law tends to come apart when judges employ complicated tests that require them to balance various facts. He is a formalist who came to the Court when formalism was, to put it mildly, hardly in fashion. "Long live formalism," he said in his Tanner Lectures. "It is what makes a government a government of laws and not of men."

In his first year on the Court, Scalia made clear his textualist approach in statutory cases when he wrote a concurrence challenging the majority's willingness to accept a certain doctrine. The doctrine was that if a statute's legislative history reveals a clearly expressed intention contrary to the language of the text, the Court

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then must question, as the majority put it, "the strong presumption that Congress expresses its intent through the language it chooses." Wrote Scalia, "Judges interpret laws rather than reconstruct legislators' intentions. Where the language of those laws is clear, we are not free to replace it with an unenacted legislative intent."

In his treatment of Scalia's opinions in statutory cases, Ralph Rossum reports only two in which the justice actually deviated from his own methodology and cited legislative history. For the rest, Scalia has practiced what he preaches. Moreover, he has taken pains not to join any opinion or part of an opinion that relies on legislative history. In a recent case, for example, David Souter's opinion for an otherwise unanimous Court rested on the text but also included five footnotes citing various bits of legislative history. In a concurrence, Scalia ripped into each of the notes, calling the legislative history "utterly irrelevant."

On this issue, some justices may well find Scalia a real pain in the keister. But he has had a major impact. Before Scalia's appointment, in almost every statutory case, the Court might start with the text but then would move quickly to legislative history. Today, while it is true that few justices have abandoned legislative history, they consult it less frequently, says Thomas Merrill, professor of administrative law at Columbia, and with less conviction. "Through the sheer force of his argument and personality, the verve with which he reiterates his points," Merrill told me, "Scalia has made other justices much more sensitive to the problematic nature of legislative history."

Scalia's insistence on careful parsing of the text has been rewarded with discussions among the justices that were not common 30 years ago. In *AT&T* v. *Iowa Utilities Board* (1999), the Court grappled with the meaning of a statute that regulates access by long-distance service providers to the facilities of local phone companies, including their wire-lines. The statute requires the Federal Communications Commission, in adopting regulations, to consider whether the refusal to grant access to a requested element of the local network would "impair" the ability of the long-distance provider to provide services. The FCC said that were a local company to make it even slightly difficult for the long-distance provider to achieve its goal, that would constitute impairment under the statute.

Writing for the Court, Scalia said impairment had to mean a more substantial difficulty, and he engaged David Souter regarding the ordinary meaning of *impair*: "Justice Souter points out that one may say his ability to replace a light bulb is 'impaired' by the absence of a ladder . . . even though one 'could stand instead on a chair, a milk can, or eight volumes of Gibbon.' True enough (and nicely put), but the proper analogy here, it seems to us, is not the absence of a ladder, but the presence of a ladder tall enough to enable one to do the job, but not without stretching one's arm to its full extension. [The absence of a ladder one-half inch taller would not] 'impair' one's ability to do the job."

Another example of such careful parsing may be found in a case from the last term, *Rapanos* v. *United States*, which concerned federal regulation of wetlands under the Clean Water Act. Both Scalia for a plurality and Stevens in dissent glossed the words of the statute with great care, Scalia noting the difference between "navigable waters" and "the waters," and both of them quoting dictionaries.

Scalia's opinions in constitutional cases are, of course, the ones that have drawn the most attention, and not surprisingly, for the stakes are higher. Those wanting to read his opinions can visit a law library or take a look at two recent books collecting those opinions, Kevin Ring's *Scalia Dissents* and Paul Weizer's *The Opinions of Justice Antonin Scalia*. Suffice it to say, Scalia's constitutional opinions are full of text and tradition. There are original-meaning inquiries. There are explications of the Structural Constitution, most of them concerning the three powers of the federal government. And there are full-throated rebukes of substantive due process and other Living Constitution doctrines; of mushy fact-based balancing that leaves no rule of law to apply in the next case; of judicial pretension and supremacy.

Scalia has drawn criticism for his work in this area, much more than for his statutory interpretation. He has been charged with violating his own interpretive principles, and there are some instances of that—Scalia takes "a decidedly nontextualist approach to the Eleventh Amendment and the principle of state sovereignty," writes Rossum. Another criticism is that Scalia is not originalist enough, and that if he were, he might find principles in the Constitution different from some of the ones he sees now. Yet another is that his jurisprudence is really an effort to preserve traditional moral values against legal and cultural change, and that he picks the methodology necessary to reach desired ends—that he is, in other words, a conservative judicial activist.

What is striking about such criticism is how rarely it denies the importance of the text. Scalia's critics often accept his own strictures about the relevance of original meaning and the need for judicial restraint. Few of them argue for noninterpretive approaches of the sort popular in the academy during the years of the Burger Court, the kind that "read" the Constitution in light of various moral philosophies and theories of justice. Jeffrey Rosen's observation in 1997 that Scalia has "changed the terms in which constitutional issues are discussed" remains true today. If there are weaknesses in Scalia's judging, the way is open

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"Jesus loves the little children,
all the children of the world,
white and white and white and white,
they are precious in His sight,
Jesus loves the little children of the world."

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for doing better interpretive work, not for abandoning interpretive methodologies.

The fact remains that Scalia's constitutional jurisprudence has, as Rossum puts it, "generally failed to win converts" on key issues before the Court. Scalia has shaped doctrine concerning the free exercise of religion and property rights under the Takings Clause. But his positions have not prevailed with regard to *Roe* v. *Wade* or *Miranda*, both of which Scalia argued in dissenting opinions should be overruled. Nor has his approach prevailed in cases involving homosexual rights, the establishment of religion, and the death penalty. And it bears recalling that what is arguably Scalia's greatest opinion, his treatise on executive power and the separation of powers in *Morrison* v. *Olson*, was a univocal dissent, with all the other justices participating in the case arrayed against him.

Rossum makes the compelling point that it has not been possible for Scalia to build "a strong, lasting, and principled coalition" with justices like Sandra Day O'Connor and Anthony Kennedy, Reagan appointees both but not, as their decisions prove, constitutionalists. After all, these are justices who in *Planned Parenthood* v. *Casey* wrote an opinion (with David Souter, a Bush appointee) refusing to overrule *Roe* and affirming its "essential holding," saying, with gassy vagueness, that the due process clause prohibits states from interfering with the "right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."

During the years Scalia has served on the Court, the expansionist tendencies of modern judicial power may have become less intellectually respectable, but they have not been reined in. Indeed, judicial power has taken on guises seldom before seen. Writing in the April issue of the *Stanford Law Review*, Judge J. Harvie Wilkinson III, whom Reagan appointed in 1984 to the Fourth Circuit, argues persuasively that in its last five years the Rehnquist Court raised to "an art form" in constitutional cases a "split-the-difference" jurisprudence. The Court did so in three ways. First, it split the result in a case or set of cases—as when the Court upheld one Ten Commandments display on government property and invalidated the other; and when the Court sustained the race-based admission program at the University of Michigan Law School and struck down the one for undergraduate admissions.

Second, the Court split the difference in reasoning by borrowing ideas from competing polar positions and then melding them into a middle-of-the-road method for resolving disputes—as when, in *Hamdi* v. *Rumsfeld*, the case involving government detention of a U.S. citizen as an "enemy combatant" and the nature of the process, if any, that is constitutionally required when the detainee challenges such a designation, the Court recognized compelling interests on both sides and then used a balancing test. It concluded that Hamdi's detention was authorized by the congressional approval of military force and was constitutional so long as the defendant received notice of the factual basis for his classification and a fair opportunity to rebut the government's case against him before a neutral decisionmaker.

And third, the Court split the difference by coming up with centrist solutions in whole areas of constitutional law. Wilkinson's two examples here involve capital punishment, which the Court refused to strike down altogether but also declined to leave entirely to the states, and homosexual rights, which the Court sustained in striking criminal prohibitions on homosexual conduct but also declined to protect in the context of same-sex unions.

Wilkinson's sober analysis is this: "The legal tests on which the Court relied in splitting the difference stand in stark contrast to more traditional standards of constitutional adjudication, such as textualism, originalism, and structural federalism. . . . [The] doctrinal tools are less process oriented and more fact dependent, thus allowing the Court to more easily analyze cases with an eye toward a middle ground. They are less rigid. . . . [They] relax constraints on judicial discretion and, for that reason, potentially augment the power of the judiciary at the expense of the other branches of government." The tools Wilkinson describes are precisely the kind Scalia rejects, the discretion they invite he opposes, and the judicial supremacy they bring about he strenuously objects to.

Maybe Scalia was right when he said in his Tanner Lectures that "the American people have been converted to belief in the Living Constitution." Still, with the change in the Court's composition over the past year, Scalia has more colleagues receptive to his interpretive approach than he did when he went to the Court two decades ago. With another "good judge" or two, the Court could start to turn his way.

But Scalia isn't thinking only about the next decade or so. By his own admission he also writes for the long term, hoping to influence the next generation of lawyers. And certainly he has achieved that aim: Far more law review articles have been written about Scalia and his decisions than about any of his colleagues. The Scalia effect, if it finally takes hold, will be seen in a Court that understands what Scalia himself observed soon after he joined the Court—that "the main danger in judicial interpretation of the Constitution—or, for that matter, in judicial interpretation of any law—is that judges will mistake their own predilections for the law." ♦

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No Third Way in Iraq

'Redeployment' will not 'incentivize' the Iraqi military. It will lead to its collapse.

By Frederick W. Kagan

The United States has two options in Iraq: stay and try to win, or cut, run, and lose. Attempts to chart a middle course—partial withdrawal or redeployment, accelerated hand-over to the Iraqis, political deals with Syria or Iran—ignore the realities of the military situation. The real choice we face is this: Is it better to accept defeat than to endure the pain of trying to succeed?

The U.S. military, under the stewardship of CENTCOM Commander General John Abizaid, has worked hard from the outset to avoid creating an Iraqi military that is dependent upon the continued presence of U.S. forces. The fear of such dependency is one of the pillars that has supported U.S. strategy from the outset. In order to avoid it, the U.S. military has never fully committed to conducting coherent and comprehensive counterinsurgency operations on its own, preferring to wait until the Iraqis are able to undertake them. We are still waiting, and the insurgency is strengthening its organization and inciting chaos through mass murder and sectarian violence.

The Iraqi military, unfortunately, is still a work in progress. Although there are growing numbers of trained Iraqi soldiers formed into increasingly competent tactical units, those units remain highly dependent on American logistical support for food, shelter, ammunition, and transportation. This situation is not entirely the fault of the American military. It stems also from the failure of the Iraqi government to establish ministries capable of performing their assigned tasks—a failure abetted by woefully inadequate assistance from the nonmilitary agencies of the U.S. government. Abizaid and the U.S. military are right to feel let down in this regard by the rest of the government, but only partly. Their failure to establish reasonable security and safe working conditions in Iraq, particularly outside the Green Zone, where much of this effort would have to take place, is the principal cause for the lack of economic and political development.

Wherever the blame for this failure lies, there is no denying that it has occurred. The Iraqi military cannot function without a significant American logistical presence. It cannot continue to improve in quality without a significant American training presence, which includes a partnership between Iraqi combat units and coalition combat units conducting counterinsurgency operations. These facts make nonsense of any idea of significantly reducing the American presence as a way to "incentivize" the Iraqi military. Redeployment on any significant scale will not incentivize the Iraqi military. It will lead to its collapse.

Consider the current deployment. There are now about 150,000 U.S. service members in Iraq, including perhaps 65,000 in 16 brigade or regimental combat teams (the troops who regularly conduct raids, patrols, cordons-and-searches, and so on). There are also about 5,000 soldiers permanently engaged in training Iraqi units. Most of the remaining soldiers are primarily engaged in supporting these efforts and the survival of the Iraqi army. They maintain supply depots and supply lines. They transport essential goods around the country and distribute them at FOBs (forward operating bases). They keep both the U.S. and the Iraqi armies alive and moving. They are assisted by numerous civilian contractors and even local Iraqis, but the military personnel provide the glue that holds the entire effort together.

"Redeployment" of U.S. forces would therefore have to be quite modest. Perhaps 35,000-40,000 support troops would have to remain if the 130,000 soldiers in the Iraqi army are to keep functioning. Most advocates of "redeployment" propose increasing the training effort—surely a precondition of success in such a scenario—by 5,000 or even 10,000 soldiers. That would mean a minimum pres-

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ence of at least 50,000 troops. Security for the Green Zone, which would still contain a vast embassy and essential command headquarters, would require at least another couple of brigades, say 5,000-10,000 troops. Lines of communication from Kuwait to the FOBs would require a few more. We'd also need to retain at least a brigade and probably two in ready reserve, since the new military posture would be entirely defensive and reactive. It's hard to imagine how fewer than 70,000-80,000 soldiers could suffice to maintain the barest functionality of the Iraqi army, even without conducting any counterinsurgency operations of their own.

A reduction of 60,000-70,000 soldiers in our presence in Iraq would certainly be significant, at least from the standpoint of the U.S. military and domestic public opinion. But what are the likely consequences in Iraq? The notion, commonly expounded by Rep. John Murtha and other advocates of redeployment, that American troops are the main irritant causing the violence in Iraq is demonstrably untrue, as it does not explain the fact that the recent crisis results from Iraqis killing each other wherever U.S. forces are absent. The idea that keeping 70,000 soldiers in Iraq rather than 150,000 would reduce the sense of an American "occupation" is also nonsensical. The Osama bin Ladens of this world will call our presence in Iraq an occupation as long as there is a single American soldier there. Nor would the average Iraqi be likely to notice our "lighter footprint"—U.S. raids and patrols are by now so restricted that most Iraqis never see an American soldier anyway.

Finally, the idea of "incentivizing" the Iraqis by such a partial withdrawal is a will-o'-the-wisp. The Iraqi army relies on our troops for more than logistical support and training. American soldiers are also the ultimate backstop for Iraqi military operations. There is no force in the country capable of withstanding an American battalion in open or even unconventional combat for very long. That doesn't mean we can easily win the war, of course. But it does mean that Iraqi army troops can take the field, and when they do, with reasonable confidence that if the enemy escalates the fight, the coalition will have the last word. Removing that confidence won't encourage Iraqi troops to fight harder. It will encourage them not to fight at all. An Iraqi policeman quoted in the *New York Times* last week was eloquent on this point:

> A National Police officer posted at a checkpoint near the Habibiya Bridge entrance to Sadr City said the departure of the Americans, who had left 15 minutes earlier, would make his job more difficult. "They helped us to stop everyone," said the officer, who gave only his first name, Salam. "If we are alone, we can't say a word against certain people."

Add to these problems the sense of abandonment the Iraqi military will feel, the loss of the role-modeling our professional military units provide, the loss of the ability to plan and conduct military operations in tandem with the best soldiers in the world, and it becomes clear that "redeployment" can only harm the capability of the Iraqi army.

So much for reality in Iraq. The reality in the United States seems to be a progressive loss of will to continue the struggle. Drawing down 70,000 soldiers will be unsatisfactory to many people, but to some it will signal at least a commitment to moving in what they see as the "right direction," i.e., pulling out. It might take the heat off the Republican party (although it might also start a rush for the door). One thing it will certainly do is take some of the pressure off an overstretched U.S. Army and Marine Corps—something that advocates of "redeployment" increasingly demand.

There is no question that U.S. ground forces are strained. It has been clear to some for more than a decade that there are not enough soldiers in the U.S. military, and years of (bipartisan) neglect have come home to roost. Many soldiers are now in their third tour in Iraq or Afghanistan. Many officers are kept in the ranks through "stop-loss" orders that prevent them from retiring in the period surrounding their unit's planned deployment. Others reenlist primarily because they fear that they will be called back to active duty immediately upon retirement by virtue of their status as members of the "individual ready reserve." It is highly likely that the end of these conditions will see a significant flight of talented officers and noncommissioned officers from the force. In addition, years of continual and rough use have worn out most of the ground forces' vehicles and equipment. Units are now reduced to sharing tanks, infantry fighting vehicles, and Humvees. Often, units that are not deployed do not have the vehicles they need to conduct fundamental training. The president who took office in 2001 promising that "help is on the way" to the military will leave in 2009 having gutted it.

The tribulations of America's soldiers lead many to the conclusion that there are simply no more troops available to send to Iraq, even if we decided that that was the right strategy. Strictly speaking, this conclusion is not true. There are 650,000 soldiers in the active duty Army and Marine Corps, with an additional several hundred thousand in the National Guard and Reserves. There are now 170,000 U.S. troops in Iraq and Afghanistan. If more were needed to avoid defeat in a war that was vital to America's security, they would surely be found. When pressed, officers and analysts who claim that there are no more troops point out that it is impossible to "sustain" higher levels of forces in Iraq on any sort of reasonable "rotational" basis—that is, to be able to bring troops out of the country after

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their year-long tour and replace them with an equivalent number of fresher troops. They point out that extending tours or sending soldiers back after very brief periods home would destroy morale in the force and break the Army—beyond its current state of brokenness, of course.

Placing greater burdens on America's soldiers probably would erode morale further and advance the collapse of the ground forces. But the corollary is not true: Relieving the burdens on the ground forces by withdrawing all or part of them from Iraq would not improve morale or delay or avoid the collapse. It would probably be far more devastating.

Advocates of withdrawal, either gradual or complete, rarely consider in any detail what that action would look like. It is worth painting a few mental images. First, U.S. troops would pull back to their forward operating bases, ending patrols in Iraq's towns and cities. In places like Ramadi, this would mean abandoning the city completely, since the coalition forces there cannot be secure without continual raids and other combat operations. American units in towns like Tal Afar, where a precarious peace still holds more than a year after the last major clear-and-hold operation, would also pull out, abandoning the Iraqis, who put their faith in us, to fend for themselves. Before long, the only American troops in Iraq outside of the FOBs would be the small teams embedded in Iraqi units. The enemy would then return and brutalize the decent Iraqis who pressed for reconciliation and peace, as has occurred following previous coalition withdrawals from cleared areas.

The pullback of U.S. forces to their bases will not reduce the sectarian conflict, which their presence did not generate. It will increase it. Death squads on both sides will become more active. Large-scale ethnic and sectarian cleansing will begin as each side attempts to establish homogeneous enclaves where there are now mixed communities. Atrocities will mount, as they always do in ethnic cleansing operations. Iraqis who have cooperated with the Americans will be targeted by radicals on both sides. Some of them will try to flee with the American units. American troops will watch helplessly as death squads execute women and children. Pictures of this will play constantly on Al Jazeera. Prominent "collaborators," with whom our soldiers and leaders worked, will be publicly executed. Crowds of refugees could overwhelm not merely Iraq's neighbors but also the FOBs themselves. Soldiers will have to hold off fearful, tearful, and dangerous mobs. Again, endless photographs and video footage of all this will play constantly. Before long, it will probably prove necessary to remove the embedded U.S. troops from the Iraqi military units. The situation will become too dangerous; the Iraqis will increasingly resent the restraint the embeds place on their actions; and the U.S. military will become fearful of being implicated in death-squad activity. It is a matter of chance whether the embedded troops are pulled before any are kidnapped or taken prisoner by Iraqi military units turning bad or being infiltrated by radicals.

What will be the effect of all this on American soldiers? The result could be worse than what we suffered in Vietnam. There will be no "decent interval" here during which we withdraw in reasonably good order—the withdrawal itself is likely to occur in the midst of rising violence. Instead of pictures of Americans on the embassy roof in Saigon, we will see images of Iraqi death squads at work with U.S. troops staying on their bases nearby. And let us not forget that in the world of Al Jazeera, we will be accused of encouraging those death squads. The overall result will be searing and scarring. The damage to the morale of the military could be far greater than what will result from burdening soldiers with longer or more frequent tours of duty in a stepped-up effort to achieve victory. Those who are concerned about the well-being of the Army should fear defeat of this type more than anything.

The only question that matters is: Can we still do anything to improve the situation in Iraq? The answer is yes. We can and must restore basic security to Baghdad and to the key cities and towns of the Sunni Triangle. In the past, I have recommended beginning with the outlying areas along the upper Tigris, Euphrates, and Diyala river valleys, both because clearing and holding smaller towns is easier and in the hope that success upon success in the heart of the Sunni Arab areas would demoralize the remaining fighters in Baghdad. That approach is no longer feasible. The U.S. and Iraqi governments have made it clear that the war will be won or lost in Baghdad.

Operation Together Forward, the recent joint Iraqi-American operation to pacify the capital, failed for a number of reasons. First, for lack of resources, it proceeded too slowly from neighborhood to neighborhood. Second, again because of resource constraints, there were not enough American troops left behind in neighborhoods that had been cleared—with the result that insurgents slipped rapidly back into those areas and destabilized them again. The price for conducting the operation was high—forces had to be drawn from al Anbar province, the hotbed of the Sunni Arab insurgency, and the situation there has been deteriorating as a result.

The lessons of the U.S. military program in Iraq are reasonably clear by now. American forces, working with Iraqis, can clear areas dominated by terrorists and insurgents. The efforts to do so lead initially to an upsurge in violence as the insurgents resist, but then to greater calm. In places like Tal Afar, Al Qaim, and other small towns

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along the Upper Euphrates River valley, Sadr City in 2004, and even Falluja (in the second battle in 2004), clearing operations have succeeded. In many of these cases, however, the U.S. command left inadequate American forces behind to help the Iraqi troops hold the area, with the result that insurgents gradually infiltrated and began to destabilize these regions once again. The lack of any coherent plan to move from one cleared area to another, moreover, often meant that stabilized towns were islands in a tumultuous sea.

The failure to hold cleared areas results in part from inadequate U.S. troop levels, but primarily from a strategy mistakenly obsessed with the irritation the American presence causes. The presence of U.S. combat forces is without doubt an irritant in Iraqi society. But so is the U.S. failure to assert control. When sectarian chaos recently engulfed Balad, local Iraqi leaders wondered loudly where the Americans were. In parts of Baghdad, local leaders warn their people to interact with Iraqi Police formations only if Americans are present. Increasingly, Sunni Arabs who fear the rise of Shiite death squads see U.S. troops as potential protectors as well as occupiers. The issue is not so much the presence of U.S. troops, but whether they provide the essential service the Iraqis most need—security. To the extent that American forces bring security, resentment of their presence will be mitigated by relief from fear. It won't be perfect. Attacks will continue and radical imams will preach blood-curdling sermons. But it will be much better.

One of the factors eroding morale in the U.S. military and throughout the country is the apparent ingratitude of the Iraqis. American soldiers feel, rightly, that they have liberated the country from a vicious dictator and are laying down their lives every day to protect Iraqis from each other. Yet radical clerics, government leaders, and local leaders constantly attack us. They will continue to do so, even if we change our approach and work to pacify the capital and the country. Why sacrifice for such people? Because it is in our interest to do so. We didn't ultimately invade Iraq to make the Iraqis happy, to make them like us, or to be popular in the Middle East. We haven't stayed in Iraq for any of those reasons either. We are in Iraq because it is a matter of our national interest for that country to be stable and well-governed lest it become a center of terrorist training and the eye of a regional hurricane. The gratitude of the Iraqis is not the point, nor is the rhetoric of their leaders.

Baghdad can still be pacified, but it will require a change of approach and more troops—probably on the order of 50,000, most of them deployed to the capital. The aim would be to clear and hold the Sunni Arab neighborhoods, in the first instance, both to prevent violence within them and to protect them from attacks from their Shiite neighbors. After each operation, we would need to leave behind significant numbers of U.S. troops to preserve the gains, along with such Iraqis as are available. The population to be thus pacified is about 4 million people (Sadr City, the Shiite area of about 2.5 million people in northeastern Baghdad, would need to be treated late in the process and in a different way). Historical norms from operations in this war and in previous peacekeeping operations suggest that forces of between 40,000 and 80,000 (Americans and Iraqis) or so would be needed to conduct these operations successfully. Such numbers are by no means unattainable with the deployment of additional U.S. forces to Iraq and the concentration of American and Iraqi forces within the country.

Assuming that such a procedure could get the violence in the Sunni areas of the capital to reasonable levels, it would then be possible to expand the operation to areas such as Ramadi, Balad, Baquba, and elsewhere along the upper Tigris, Euphrates, and Diyala river valleys. Putting a lid on the Sunni Arab insurgency would also reestablish American leverage with the Shiite leadership. The Sunni insurgency has been the primary justification advanced for the rise in Shiite militias. It should be clear by now that the Shiite leadership will not heed our calls for disbanding these militias until the Sunni insurgency is better under control.

This approach is by no means a panacea. The Iraqi government must still undertake painful and difficult political bargaining and must support the disarmament of militias. It will be necessary to pressure Iran and Syria to stop supporting violence in Iraq. Regional Iraqi governments must be developed, long-delayed provincial elections held, rule of law established, corruption brought under control in the ministries, and a fair and equitable division of the country's oil resources agreed upon. Pacification will not inevitably usher in any of these outcomes. Failure to control the violence, however, will ensure the failure of the entire project.

It is quite true, as the American leadership often says, that there is no military solution to the problem in Iraq. That is true of any counterinsurgency—at the end of the day, the solution will have to come from the political process. But it is also true of almost every counterinsurgency that there is a military component necessary for political success. The American civilian and military leadership has consistently downplayed and shortchanged this military component. We are coming up on what will probably be the last window of opportunity to regain control of the situation in Iraq and stop the slide toward chaos and defeat. Considering the likely consequences of such a defeat for the region, our nation, and our armed forces, we would be derelict if the effort is anything less than all-out. ♦

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Poet by Nature

How Edward Thomas saw the world

BY JOHN FELSTINER

Edward Thomas, 1905

Getty Hulton Archive

"He reminds us that words are alive, and not only alive but still half-wild and imperfectly domesticated."

Edward Thomas (1878-1917) could have been speaking for himself and "the curious life of words in the hands of those who love all life so well that they do not kill even the slender words but let them play on." As it happens, he had in mind the astonishing poet of rural England a century earlier, John Clare, who loved best "tracking wild searches through the meadow grass." Like Clare, Thomas owned close knowledge of animals and plants, which showed him "what life is, how our own is related to theirs," our "responsibilities and debts among the other inhabitants of the earth."

"Birds' Nests," echoing Clare's poem of the same name, ends on one of those meadow searches:

And most I like the winter nest deep-hid
That leaves and berries fell into;
Once a dormouse dined there on hazel nuts;
And grass and goose-grass seeds found soil and grew.

Innocent-seeming, like so much in Edward Thomas, this verges on chance and mortality while holding out chances of life.

One of his signature poems, "Tall Nettles," shows the deeper, darker touch that would mark Thomas as a war poet:

Tall nettles cover up, as they have done
These many springs, the rusty harrow, the plough
Long worn out, and the roller made of stone:
Only the elm butt tops the nettles now.
This corner of the farmyard I like most:
As well as any bloom upon a flower
I like the dust on the nettles, never lost
Except to prove the sweetness of a shower.

Again the wear of time: rusty harrow, worn-out plow, overgrown nettles, dust. But like the birds' nest berries, nuts, and seeds, they're given a keen eye and animating touch.

Thomas was born in London in 1878, of Welsh parents. His early memories are of "wild unconscious play" in the fields, then "the time of collecting eggs, flowers and insects," and later "when we read poetry out of doors." A school friend recalls "Talking, and looking at the earth and the sky, we just walked about until it was dark," attending to "the general life of the common birds and animals, and to the appearances of trees and clouds and everything upon the surface that showed itself to the naked eye."

Thomas had an older friend called "Dad," a sunburnt sinewy gamekeeper *and* poacher who climbed trees for nests and dug into thorn bushes, who could imitate "the hollow note of the bullfinch . . . the chiding of a sparrow hawk at its prey . . . a young rook's cry whilst gobbling a worm: it was perfectly true to nature." Dad knew the curative power of every herb, a knowledge "fast decaying," Thomas wrote in 1895.

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Already at 19, learning from "my favorite—Thoreau," he published *The Woodland Life*, vibrant sketches of the southern English countryside. "Still the pewits move uneasily in the open, always facing the wind and the thin wall of snow bearing down upon them." Clearly his love fed his literacy when it came to nature. They both show his zeal, long before this was in vogue, to respect wildness for its own sake, and ours as well. He went on to write *Beautiful Wales*, *The Heart of England*, *The South Country*, *The Country*, and *In Pursuit of Spring*.

Casting back and forth from landscape to literature, Thomas by 1913 had produced 25 books, plus essays and reviews, but no poetry. Then one encounter released a new voice. Robert Frost, feeling stymied in America, had taken his family to England. In October 1913 the two met and took to each other, Frost empathizing with Thomas's marital and literary anxieties, while Thomas deepened Frost's botanical savvy. One night in rural Gloucestershire they hunted rare ferns by matchlight. Just days before war broke out in August 1914, the friends returning from one of their long rambles witnessed "A wonder!" that reappeared in Frost's "Iris by Night": a watery moon-made rainbow whose "two mote-swimming many-colored ends" gathered into a ring, "And we stood in it softly circled round."

Reading Thomas's prose account of a biking journey, Frost decided his new friend had poems to write, drawn from passages such as this, about pewits on Salisbury Plain near Stonehenge:

> His Winter and twilight cry expresses for most men both the sadness and the wildness of these solitudes. When his Spring cry breaks every now and then, as it does to-day, through the songs of the larks, when the rooks caw in low flight or perched on their elm tops, and the lambs bleat, and the sun shines, and the couch [grassy weed] fires burn well, and the wind blows their smoke about, the plain is genial. . . . But let the rain fall and the wind whirl it, or let the sun shine too mightily,

writes Thomas, and the Plain becomes "a sublime, inhospitable wilderness. It makes us feel the age of the earth." Thoreau had called English poetry "tame and civilized." For Thomas, the wintry plain proves "the earth does not belong to man, but man to the earth."

Frost heard what he liked, a lyric voice in natural speech. So when Frost's *North of Boston* came out in 1914, their kinship led Thomas to review it not twice but three times. "This is one of the most revolutionary books of modern times. . . . It speaks, and it is poetry." Now he began finding verse rhythms in his own countryside prose. "I am in it now & no mistake," he wrote Frost, and in December sent him his first poems, including "Birds' Nests."

With the European war only miles away, Thomas, aged 36 with three children, debated whether to enlist or accept Frost's invitation to come farm and write in New England. "Something, I felt, had to be done before I could look again composedly at English landscape, at the elms and poplars about the houses, at the purple-headed wood-betony with two pairs of leaves on a stiff stem, who stood sentinel among the grasses or bracken by hedge-side or wood's-edge." Seeing a moonrise and wondering about "those who could see it" in France if they were "not blinded by smoke, pain, or excitement," he is pierced by a willingness to die for England. When asked what he was fighting for, "He stooped, and picked up a pinch of earth. 'Literally, for this.' He crumbled it between finger and thumb, and let it fall."

Thomas enlisted in July 1915, training and teaching map-reading in the south of England until January 1917. By then he'd written the 143 poems upon which his reputation rests.

But what could wartime poems do if "Literature," as Thomas said, "sends us to Nature principally for Joy"? "The sun used to shine," a poem from May 1916, recalls August 1914, his daily forest walks with Frost prospecting for flowers and talking of everything. "We turned from men or poetry"

> *To rumours of the war remote*
> *Only till both stood disinclined*
> *For aught but the yellow flavorous coat*
> *Of an apple wasps had undermined.*

Disinclined to talk of war, they savored the present moment, yet did speak of war, and spotted that fallen apple, perished, with somber undertones from Frost's "After Apple-Picking." "Edward's poems do not directly discuss the war," said his wife Helen, "but they do mention it and the war *gave point* to what he was describing."

The point is, Thomas will not suppress either his outdoors gusto or his inward concern: They interact. With a rough-cut candor not unlike Frost's, he says for them both,

> *The war*
> *Came back to mind with the moonrise*
> *Which soldiers in the east afar*
> *Beheld then.*

Compact verse yields phrasings and line breaks that wedge the war into a summer saunter. No escapism here, or in "Haymaking," written when Thomas enlisted. Starting with "night's thunder far away," we only then enter a cold clear morning of "perfect blue." Ease and harmony seldom come simply for Thomas, but rather through paradox or a strong poise. (No wonder he was deeply struck by the closing lines of Frost's "The Wood-Pile," its cordwood left "*To warm the frozen swamp as best it could / With the slow smokeless burning of decay*.")

"Haymaking" settles into a scene, as from Brueghel or Constable, of laborers at rest after mowing:

> *The tosser lay forsook*
> *Out in the sun; and the long waggon stood*
> *Without its team; it seemed it never would*
> *Move from the shadow of that single yew.*

Peaceable, yes, a "morning time" poised against change like the breaks in those run-on lines.

> *The men leaned on their rakes, about to begin,*
> *But still. And all were silent.*

In "On the Grecian Urn" (Thomas thought this the "calmest" and "stillest" of Keats's odes), the lovers are "still" and "silent," they "cannot

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fade" and never "can those leaves be bare." In Keats's "To Autumn," the sleeping reaper's hook "Spares the next swath." Thomas ends "Haymaking" on such a note: "All of us gone out of the reach of change."

But change was still to come. He volunteered to serve overseas, and on January 30, 1917, at 4 A.M., disembarked in France with an artillery unit. For three months, at Arras near the Belgian border, Thomas kept a diary: cold raw days, sleepless nights and shelling, letters to and from home, strafing, reading Shakespeare 10 minutes per night, weather, landscape, owls, moles, hares, foxes, and throughout, the birds—partridge, blackbird, thrush, magpie, sparrow, "Black-headed buntings talk, rooks caw," "Linnets and chaffinches sing in waste trenched ground," "Larks singing over No Man's Land."

Of course, nature persists in time of war, and above all birdsong. Thomas adopted that bittersweet persistence.

No poems at all were possible during the months in France. In March 1917, though, an anthology appeared in London with his poems from 1915-16. When the *Times Literary Supplement* called his naturalism absurd *vis-à-vis* "the tremendous life of the last three years," Thomas wrote a friend: "Must I only use [my eyes] as field-glasses and must I see only Huns in these beautiful hills eastward . . . ?" Anyway, he did register that fraught life. Poems such as "The Owl" are

> *Salted and sobered, too, by the bird's voice*
> *Speaking for all who lay under the stars,*
> *Soldiers and poor, unable to rejoice.*

In "Rain," a wild midnight downfall puts him in mind of others lying alone

> *Like a cold water among broken reeds,*
> *Myriads of broken reeds all still and stiff.*

Amid shells going out and coming in, he writes to Robert Frost: "I should like to be a poet, just as I should like to live, but I know as much about my chances in either case, and I don't really trouble about either. Only I want to come back more or less complete."

April 1917 saw Thomas, now a second lieutenant, preparing for the major British offensive at Arras, peering out through a hedge where "larks hover above the dry grass just in front." Twenty years earlier he'd sent his young wife vivid letters delineating weather, hills, rivers, hedgerows, birds and flowers. Now, from an observation post, he writes: "I simply watched the shells changing the landscape." A nearby village "is now just ruins among violated stark tree trunks. But the sun shone and larks and partridge and magpies and hedgesparrows made love and the trench was being made passable for the wounded that will be harvested in a day or two." April—too early a harvest!

The next day, Easter Sunday, April 8, a German shell fell two yards from him, a dud. Not long before, Thomas's wife Helen had written Frost describing his battlefield behavior: "In a pause in the shooting he turns his wonderful field glasses on to a hovering kestrel & sees him descend & pounce & bring up a mouse." Weeks later the letter came back—a censor wanted her to remove some photos—and she faintly scrawled a postscript: "He was killed on Easter Monday by a shell." A last diary note by Thomas says, "And no more singing for the bird . . ." A copy of Frost's 1916 *Mountain Interval* was found in his kit-bag.

His American friend, who'd written "The Road Not Taken" about him, and called Thomas "the only brother I ever had," never got over it. "I don't suppose there is anything for us to do to show our admiration but to love him forever," Frost wrote to Thomas's widow. And to another English friend: "His concern to the last was what it had always been, to touch earthly things and come as near them in words as words would come." ♦

Cuba Libre

Is there really another Castro in Cuba's future?

BY DUNCAN CURRIE

In early 2002, as U.S. military officials prepped their base at Guantánamo Bay for the arrival of captured al Qaeda fighters, the Cuban defense minister made a startling announcement: Should any of the detainees escape into Cuban territory, they would be promptly returned to Gitmo. This from a regime that had spent the previous four decades offering safe haven and support to a sundry gaggle of terrorists and anti-American radicals, including one man (Victor Manuel Gerena) currently on the FBI's Ten Most Wanted list.

After Fidel
The Inside Story of Castro's Regime and Cuba's Next Leader
by Brian Latell
Palgrave Macmillan, 288 pp., $24.95

Duncan Currie is a reporter at THE WEEKLY STANDARD.

The Cuban military chief also spoke with unusual authority: Not only was he Fidel Castro's brother, he was also his designated successor. Raúl Castro, who became head of the armed forces in 1959, has long been a mystery to foreign journalists and Cuba watchers. Yet according to former CIA officer Brian Latell, Raúl has been "indispensable" to Cuban communism. As an erstwhile Cuban intelligence agent told him, "If the Cuban Revolution can be considered an ongoing drama, then Fidel must be thought of as its director and Raúl its producer."

That arrangement changed this summer, when Fidel Castro "temporarily" relinquished power to his

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brother while undergoing treatment for intestinal bleeding. (That was the official word, anyway.) Raúl Castro's public debut as *el jefe* came on August 13, Fidel's 80th birthday, when he greeted Venezuela's Hugo Chávez in Havana. Cuban television aired footage of the two men chumming around in a hospital room with Fidel, who released a statement warning Cubans to gird for adverse news about his health.

As the past five decades have taught us, prognosticating about Fidel Castro's expiration date can be a risky business. But it seems likely that a transition has gradually begun, with 75-year-old Raúl at the helm. And that makes this book—the first ever Raúl Castro biography—essential reading.

Latell was uniquely positioned to write it. He arrived at the CIA's Cuba desk in 1964, and later served as national intelligence officer for Latin America. *After Fidel* represents a lifetime of studying the Castros. When it was first published last fall, the book spurred some chatter among the South Florida exiles; now Latell is ubiquitous in the "post-Fidel" media frenzy.

This past February, in Coral Gables, I watched Latell play the part of Raúl in a simulated exercise of what might happen when Fidel dies. Describing his performance afterwards, he said that Raúl would be "torn between soft and hard lines." Raúl wants to preserve the revolution, but is also drawn to the Chinese model of mixing Lenin with Adam Smith. He is wary of embracing the Americans, but recognizes the benefits of U.S.-Cuba détente. He hopes to consolidate power with the generals and maintain order, but may hesitate before sending out the military to crush protesters (as happened in Beijing in 1989).

Latell cites that 2002 Guantánamo policy as proof that Raúl would almost surely be more flexible than Fidel: He quotes Alina Fernández, Fidel's daughter who defected from Cuba in 1993, as saying that Raúl "is the practical brother." The irony is that, when they first seized power in 1959, Raúl was thought to be the Stalinist ideologue and Fidel the more cautious one. "Behind me come others more radical than me," Fidel warned just weeks after the revolution triumphed, referring to his brother. But as the Cold War ended, Raúl began pushing for Chinese-style market reforms while Fidel sounded like a Soviet dinosaur.

How did that shift come about? *After Fidel* opens in late April 1959, with the two brothers arguing furiously in a Houston hotel room. It had been only a few months since Fulgencio Batista fled the island and the Castro-led guerrillas rode into Havana. Fidel was now on his American PR tour, assuring reporters that he would hold free elections, reinstate the 1940 Cuban constitution, and maintain warm relations with Washington. Most of all, Fidel wanted it known that he was *not* a Communist.

But thanks to Raúl, his message was losing credibility. Not only was the younger Castro fomenting revolution across Latin America, he was also showing his true Marxist-Leninist colors, howling about "the yoke of imperialism" in an interview with the American Communist party's official newspaper. This incensed Fidel, who knew that American opinion would recoil from an overtly red revolution. Raúl feared that his brother had gone wobbly.

Yet as Latell puts it, "Raúl really had nothing to worry about." Despite his crafty efforts to manipulate American goodwill and appease U.S. economic interests, "Fidel was pathologically hostile to the United States." Historians have long bickered over precisely when he went Communist and decided to cast his lot with the Soviets. Castro once told his biographer Lionel Martin that he "already had a Marxist-Leninist formation" by the time he left the University of Havana in 1950. Latell makes a persuasive case that Fidel brought Raúl into the fold during the years prior to their July 1953 assault on the Moncada barracks.

He also rejects the notion that U.S. diplomats somehow missed an opportunity to befriend Castro. Fidel was "implacably anti-American," with a diehard antipathy molded during his rural childhood and university days. Fashioning himself a latter-day incarnation of Jose Martí, Fidel believed confrontation with *el Norte* was his destiny. But in deference to the island's pro-American populace, he concealed the ferocity of these beliefs until after he toppled Batista.

The mission of Philip Bonsal, the last American ambassador to Cuba, was thus a Sisyphean task. Bonsal epitomized the liberal career diplomat, the sort of chap who tended to give Castro the benefit of the doubt. During his tenure in Havana, he "bent over backwards to establish a good working relationship with the revolutionary leadership." But his cajoling proved futile. "In the end," writes Latell, Bonsal "concluded that Fidel was determined to free Cuba of the American presence because he regarded the United States 'as his major competitor.'" This invariably meant aligning with Moscow, though it seems Fidel's anti-Americanism was always stronger than his leftism. He formally announced his Marxist-Leninist orientation in December 1961.

By that time, Raúl had already become his emissary to the Communists, both in Cuba and in Moscow. A lover of all things Soviet (he even vacationed there!), Raúl first requested military and intelligence aid from the Kremlin in April 1959. "During that chaotic early stage of the revolution," writes Latell, "it was the Jacobin Raúl who did the most to inflict a reign of terror on its enemies. And curiously, it was his own brother who did more than any other individual to promote Raúl's early reputation as Cuba's Robespierre."

The younger Castro served as executioner-in-chief, sometimes pulling the trigger himself. He had matured in this role while fighting Batista's troops. "A hundred or more of Raúl's prisoners were summarily shot in the final days of the guerrilla war at the end of 1958," Latell notes, "and according to a regime insider, he continued mandating executions even after being directed by his brother to desist." In terms of brutality, Raúl's only apparent rival was Che Guevara, the Argentine Stalinist-*cum*-Castroite, whom Raúl had introduced to Fidel in Mexico.

Given all this history, why should

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we trust that Raúl is now the *less* dogmatic of the two Castros? Actually there is a slew of evidence. It seems that the fall of the Soviet empire and the growth of Chinese capitalism jolted Raúl's worldview more than they did Fidel's. It was Raúl who favored market reforms in the early 1990s, many of which Fidel has reversed. It was Raúl who, as the *New York Times* reports, "sent [military] officers to business schools in Europe to learn capitalist management techniques." It was Raúl who supported increased contacts with the Pentagon. And it was Raúl who pledged to return runaway terrorists to Gitmo.

Fidel, by contrast, remains an ideological relic who cannot adjust course lest he cast doubt on his entire career. A few years ago he traveled to China, where he witnessed firsthand the fusion of private enterprise and one-party politics. He was reportedly astonished, and disavowed any such path for Cuba. After Fidel dies, Raúl may feel pressure to go that route.

On the other hand, foreign tourism, remittances, European and Chinese trade and investment, and Venezuelan oil have stabilized the regime since its initial post-Soviet crisis. Under Chávez, Venezuela has picked up where Moscow left off as Cuba's chief patron, shipping nearly 100,000 barrels of low-cost petroleum products to the island each day, which can also be sold for hard currency. A Raúl-led government—propped up by such aid and wary of loosening its grip—may conclude that reforms of the Deng Xiaoping variety are more trouble than they're worth.

Much will depend on who surrounds Raúl at the top. Cuba has already evolved into a military-civilian junta of sorts, with the armed forces running (and profiting from) large portions of the economy. "The military is the most powerful, competent, and influential institution in Cuba," writes Latell. "The Communist Party and popular organizations are hollow shells that have been allowed by the Castros to fade in importance." Prominent civilian leaders include Carlos Lage, who has become Cuba's *de facto* global envoy, Foreign Minister Felipe Pérez Roque, and Francisco Soberón, the central bank president. Though all will seek to perpetuate the regime, Lage is said to be a moderate, the architect of economic reforms in the early 1990s. The latter two are hardliners, who may resist tinkering too abruptly with Cuban communism.

Hugo Chavez, Fidel Castro in September

AFP / Getty Images

Raúl will face many challenges. Cuba's infrastructure lies in shambles—one study estimated that around 300 buildings collapse *each year* in Havana—while gross inequality fuels social tensions. Though Latell stresses the "duality" of Raúl—who can be both "kind and cruel"—old memories of Raúl the Terrible will be hard to dispel. Most Cubans consider him a charmless brute; many whisper rumors that he is not really Fidel's brother. Nor does he boast a clean bill of health: Only five years younger than Fidel, he is known to be an "unreformed alcoholic." All the more reason for Cuba to preserve a collective leadership of the type that has recently taken shape. Latell does not expect that leadership to include democrats or dissidents anytime soon, but he thinks their ranks will swell once Fidel dies. (Of course, the "nightmare scenario" for U.S. policymakers is a "breakdown of law and order on the island" that sparks a "massive seaborne migration to Florida.")

The bulk of *After Fidel* stems from intelligence reports, personal interviews, and secondary literature. Latell's prose is highly readable and commendably nuanced, razing many of the enduring myths about modern Cuba. As good as it is, the book still leaves room for a few complaints.

First, Latell barely discusses the 1962 missile crisis, which would have buttressed his thesis about Fidel's anti-U.S. fanaticism and also helped frame his portrait of Raúl. He neglects the 1955 amnesty debate, which led to Castro's release from prison, where he and his comrades had served less than two years for the Moncada attack. And there is no mention of the role that oil-rich Venezuela has played (and will play) in buoying the regime and shaping its post-Fidel ideology. Latell also commits a few errors. He lists Fidel's birthday as August 26 (it's August 13) and he writes of an anti-dissident crackdown launched "in the spring of 2004" that jailed some 75 independent activists. In fact, that crackdown came a year earlier, in March-April 2003, coinciding with the Anglo-American invasion of Iraq.

But these are minor nitpicks. Brian Latell has done a worthwhile service in demystifying Raúl Castro, and ends on a note of optimism: "Perhaps in his own twilight years," he writes, "this complex, repressed younger brother will find his own independent political persona." If so, "perhaps . . . Fidel's death will be Raúl's catharsis." We may soon find out. ♦

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Traveling Fellow

If I.F. Stone wasn't a spy, he was the next best thing.

BY JUDY BACHRACH

Simultaneously, and with considerable fanfare, two books relating to the influential left-wing journalist I.F. "Izzy" Stone have recently appeared. Stone, who was until 1971 the sole and much-beloved proprietor of his small eponymous weekly, was by reputation a magnificent figure: Independent, irascible, fierce, a model for generations of journalists—and best of all, sometimes right.

The onetime Stone protégé Peter Osnos, founder of the publishing company that has just brought out 65 of Stone's essays, honors that reputation in two ways: first by pointing out in his introduction to *The Best of I.F. Stone* how much Stone admired him, Peter Osnos ("You sure are a pistol, Pete. I never should have let you go"). And then by recalling a 1989 post-mortem cartoon by Pat Oliphant depicting Stone, notebook in hand, standing before a weary St. Peter, who complains to an unseen Deity: "He doesn't want to come in—he'd rather hang around out here and keep things honest."

Similarly, Myra MacPherson, in her Stone hagiography—essentially a companion volume; Osnos himself calls it "first-rate"—is equally vehement regarding Stone's gift for inspiration, perhaps with reason. Philip Roth and E.L. Doctorow, Joseph Heller and Jules Feiffer, she points out, were all readers of Stone. In the '50s, Stone attacked Joseph McCarthy; in the '60s, he was embraced by college activists with whom he shared an active loathing of the Vietnam war: "Self-deception has been the characteristic of our leadership in this war from its beginning," he wrote.

It is easy to remember Izzy for these things alone. "The 20th century's premier independent journalist," MacPherson calls him. "His work helps evaluate the best and the worst in today's journalism. Although Stone inspired many, he was too much of an original to be fully emulated."

The Best of I.F. Stone
Edited by Karl Weber
PublicAffairs, 350 pp., $23.95

All Governments Lie
The Life and Times of Rebel Journalist I.F. Stone
by Myra MacPherson
Scribner, 592 pp., $35

If MacPherson is adamant on the subject of Stone's honesty and inimitability, it is partly because of recent journalistic infractions, which the author enumerates bitterly and without many servile concessions to grammar or polish: "A compliant White House press corps, known to some in the trade as 'access whores,'" she writes; "'liars for hire' paid by the administration to tout its programs, deferential acceptance of administration fibs—all are disgraceful capitulations to power. . . . A miracle would be the day that the media did not show up for hollow photo-ops such as 'Mission Accomplished.'"

But let's set aside questions of style, clearly neither the book's strong suit nor its focus. As it happens, MacPherson has a point. Those writers who suspend critical judgment in return for access or (even worse) secret sums dispensed by governments *are* a disgrace to the profession, and there have been too many in recent times to dismiss them as aberrations. Unfortunately in this regard, too, Izzy was a pioneer, as I discovered.

For years, there had been rumors floating about Stone, suspicions that he might have had quiet dealings with emissaries from the Soviet Union—stories unmentioned by Osnos, and which MacPherson in her biography on every possible occasion calls "lies." The promulgators of these lies are, to her mind, alternately members of "the rabid right" or "neocons." And, of course, many of Stone's detractors do, in fact, belong to one or the other of these groups. "After Stone was safely dead," the author adds, these parties "displayed their estimable courage by slandering Stone as a Soviet spy."

But the use of the word "spy" is a red herring (in the same way it would be incorrect to say Stone was a Mafia don or a cat burglar. These were not his failings.). Nonetheless it is instructive, and perhaps revealing, to read Stone's 1953 description of America's reaction to Stalin's death, which he considered insufficiently elaborate and lacking in pomp: "The stress put by the White House on the fact that its condolences were merely 'official' was small-minded and unworthy of a great power," he wrote. "Magnanimous salute was called for on such an occasion." Why? Because "every great leader is the reflection of the people he leads and Stalin in this sense was Russia."

It is not the right alone that marvels these days at Izzy's call for magnanimity on such an occasion. World War II had been won with Russia's help—eight years earlier. Who needed to honor the bastard now that he was dead?

As it turns out, maybe Izzy did feel that need just then to honor Stalin, and maybe we need to explore why. Three years later he would be far tougher on Nikita Khrushchev ("more crude and vulgar than Stalin") and also on Russia. And the question is, why? Why this flip-flopping? Was there an element of subterfuge in Stone's life? Could some of the old suspicions be true?

The problem here, and the difficulty MacPherson shrilly and desperately tries to shout down, is this: There is

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I.F. Stone, 1970

Time & Life Pictures / Getty Images

no reason for Stone's main accuser, the guy who knows, to lie. He is neither a rabid rightist nor a neoconservative. And he did not dislike Izzy Stone. To the contrary.

Thanks to a trusted mutual friend, I spoke extensively on two occasions (one very recent) to Oleg Kalugin, whom MacPherson describes in enchantingly minimalist fashion as a "former Soviet agent." Actually, after his stint in the Soviet Union's Washington embassy, Kalugin went on to become a KGB major-general and its chief of foreign counterintelligence—from which perch, of course, he had access to even more extensive information concerning agents abroad.

While he was posted in Washington, his cover was press attaché, and it was in this capacity, Kalugin tells me, that he accepted one of his early American assignments. In 1966, a cable arrived from Moscow ordering him to re-recruit, if possible, the journalist Stone, "WHO USED TO BE OUR SOURCE FOR MANY YEARS," read the instructions.

Stone, said Kalugin, had begun cooperating with the Soviet Union in 1936, but stopped, furious, after the 1956 Soviet invasion of Hungary. This, the former spy added, despite the fact that, until then, Izzy had been paid for his work by the Soviets. In our conversations, Kalugin was very specific about the limits of his knowledge: "I do not know how much money he took. But he took some money, I know that for sure," he said.

However, when Kalugin made it his business to charm Stone back into the fold three decades ago, there was no need for money to change hands. The KGB agent was deft and seductive in his methods, his pitch a striking combination of passion and disenchantment, tempered by optimism for the future (Kalugin, too, had been disgusted by the invasion of Hungary).

"I represent the new generation of Soviets," Kalugin told the journalist. "There have been changes in my country since Khrushchev's reforms, since Khrushchev's denunciation of Stalin, since Hungary, and there's a desire on the part of many Soviets to move forward." Let's have lunch, said Kalugin, and according to his account, Stone readily assented. Regular lunches were enjoyed at Harvey's, now defunct but then in the Mayflower Hotel. (It was only later that the Soviet agent learned J. Edgar Hoover shared a fondness for the restaurant, a coincidence that tickled him.)

There was one vital communication made by Kalugin at his first lunch with Stone—by way of introduction, Kalugin tells me these days: "I told Stone, 'My good friends in Moscow send you their best regards.' Absolutely, he understood what I meant."

Moreover, says Kalugin, Stone wasn't simply some ordinary reporter exchanging items with a good source: "He was a Soviet agent, his code name was BLIN, which in English is pancake," Kalugin says.

And the results? "It was a fruitful relationship," is the oblique reply. (Even now, long after the fall of communism and his arrival in this country, Kalugin retreats into ambiguity

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whenever it suits him.) "I paid for lunches; he was happy to share with me what he had learned on Capitol Hill or the White House. He had a wide range of friends, and that was good because he would provide us with some tips or information."

These tips were not, however, randomly selected. "Oh, there was no classified information—but look, the Soviet intelligence network cared about information that would serve the political purpose of influencing operations," he explains. "Of manipulating public opinion, of misleading, weakening this country. Injuring it. We had a whole bunch of big names helping us."

Nor was that the end of Stone's compliance. "Look, his column would also be used for placing some disinformation, don't forget that," says Kalugin. "I would tell him something which I would like him to use, and he would oblige. That was normal procedure." Once again, no details are forthcoming. (I thought of that remark as I read Izzy on the subject of lazy mainstream reporters and their penchant for snuggling up to pols: "You can't just sit on their lap and ask them to feed you secrets—then they'll just give you a lot of crap," he said.)

Much mention is made by MacPherson of the Venona Files, decoded cables sent decades ago by Soviet spies to Moscow. In these files there are references to Stone (or, rather, "BLIN"), but every citation is used by her to refute any possible suspicion, however plausible, that might arise. In the first place, she argues, "critics automatically assume that the FBI identification of Stone as BLIN is accurate. But even this identification of Stone as BLIN is iffy." In the second, Stone didn't need money from the Soviets, thank you very much, as *I.F. Stone's Weekly* "was very profitable."

And finally, when in the 1940s a KGB agent reports back to Moscow that Stone "earns as much as $1,500 a month but it seems he would not be averse to having a supplemental income," the biographer concludes, astonishingly, that this proves "nothing more than that BLIN/PANCAKE was brushing off" the agent.

Most interesting to me, however, were the author's talks with Kalugin. These were less than fruitful, to judge by the results. "A useful contact," is how the former KGB general characterizes Stone. Kalugin "had absolutely no idea if Stone had ever been paid anything." Moreover, there seems to be some subliminal urging on the part of the author to leave Izzy's character intact: "The term AGENT OF INFLUENCE, Kalugin admitted, could fit any journalist who disseminated anything of consequence." Therefore, MacPherson concludes, "today's attempts to link Stone with spying are as tawdry as they are untruthful."

You seem to have held back big time with MacPherson, I tell Kalugin during our second conversation.

"Yes," he concedes. "Let's put it this way: There's a difference when I speak to some writer I don't know." On an earlier occasion, Kalugin had told me that in his conversation with yet another journalist—Robert Kaiser of the *Washington Post*—he also refrained from describing Stone as an agent; deploying instead the term "fellow traveler," which his listener found outrageous enough.

Kalugin was amazed and distressed at the reaction. "That was diplomatic talk," he protested at our meeting. "I could not say Stone was an agent to him." Agents were, after all, once the spy's friends, valuable and daring sources. More than a decade ago, Kalugin was called upon to testify in the espionage trial of a U.S. Army reserve colonel, and he loathed the experience. Even so, he insisted he had done nothing more than confirm what was already known. "I am morally against all these revelations of names," said Kalugin.

And besides, he added, even the little he has uttered publicly about Stone was treated with dismay and disbelief, in part because of the former KGB officer's reluctance to reveal all he knows. At our meeting, Kalugin smiled—ruefully, I thought. "I've had a lot of trouble with I.F. Stone. Yes, the icon of liberal independent thought."

I am not smiling, however. I was among those who considered Izzy just such an icon. It is for this reason that I accepted a friend's suggestion that I speak to Kalugin. I wanted to conclude that the old KGB general was a liar, although in this area I was far less successful than MacPherson ("All spies lie," she observes with asperity, although it's worth noting that she treasures every syllable from Kalugin's lips that might, at a stretch, exonerate her hero). In my college years and subsequently, Stone was considered practically the only journalist around who owed nobody anything. And maybe that's who he wanted to be. Maybe that's even who he thought he was, on occasion.

Kalugin says that, in 1968, when the Soviets invaded Prague, the two men had their last lunch. Stone, he recalls, began it inauspiciously: "We will never meet again. Never," he told the spy. "When I agreed to resume the relationship with you, I thought the past was over, that you had changed. But your rape of Czechoslovakia is just proof once again you haven't changed. No, I will not listen to a thing you say!"

Kalugin tried to pay for lunch, as he always did, but in this, too, he was rebuffed. "No more," said Stone. "I will never take money from your bloody government again."

"Tell me," says Kalugin these days, "if our relationship had been one of just a regular journalist meeting a press officer from the Soviet embassy—and I did, in fact, meet with so many ordinary journalists simply as a press officer. Well, the correspondent might be critical of what we did in Czechoslovakia and denounce it, yes. But would he cut off relations with me? No. Would he have gotten so emotional?

"It was because Stone was so personally involved with our government, a government that violated international law, that he got so upset, and cut off all contact with us."

He was betrayed, I say.

"Yes," says Kalugin. "He found it shocking. He was betrayed." ♦

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God's Left Hand

Preaching to the choir in the 'Mainline' churches.

BY MARK TOOLEY

All of the mainline denominations guided by liberal theology in the 20th century have been in decline since the early 1960s. Mainline Protestant church members once numbered one out of every six Americans. Now they are one out of every thirty. Meanwhile, Roman Catholicism has retained its market share of the U.S. population, and evangelicals have become the largest religious demographic in America. Seemingly, the hour of liberal Protestantism has come and gone.

Christianity for the Rest of Us
How the Neighborhood Church Is Transforming the Faith
by Diana Butler Bass
HarperSanFrancisco, 336 pp., $23.95

But Diana Butler Bass challenges the conventional wisdom; she insists that her fellow liberal Protestants are more vibrant than commonly realized. She does not try to support her thesis with statistical evidence. She admits this book is not a "quantitative project," and her evidence is mostly anecdotal. From among six denominations she identified fifty vital mainline congregations that defined themselves as theologically moderate or liberal. But she still admits that mainline Protestant institutions, as a whole, are in "deep crisis and desperately in need of renewal."

According to Bass, "evangelical voices have grown louder and more insistent that they—and they alone—are the true Christians, the ones with true doctrine, true morals, and true politics." Their leaders, having flexed their muscles in national elections, are now trying to create a "one-party Christianity." A frequent liberal commentator and critic of religious conservatives, Bass is part of Jim Wallis's newly unveiled "Red Letter Christians," who want to steer evangelicals away from concerns about abortion and homosexuality and towards environmentalism and antiwar activism.

Wanting to channel her anger constructively, Bass set out to highlight the "quiet Christians" whom the media supposedly ignore. She warns that her book is not for churchgoers who are "closing their eyes" and are spiritually content. So, watch out! The mainline congregations on which Bass focuses are "often in tension with local fundamentalist Christians, or surprisingly, their own denominations," although she does not elaborate much.

Bass recounts having grown up in a Methodist church in Baltimore in the 1960s. The neighborhood has since decayed, and today the church is mostly empty, cannot afford a full-time pastor, and ponders merging with another congregation. Bass notes that the dwindling congregation has joined a group called the Center for Progressive Christianity and is "reaching out to gay and lesbian persons." It's a pretty typical story for an urban mainline church.

Leaving the denomination of her childhood, Bass transitioned through fundamentalism—charismatic Christianity—classical evangelicalism, and then back to mainline Protestantism, but of a decidedly liberal sort. As a teacher at an evangelical school some years ago, she worried over students influenced by evangelical history books portraying America's Founding Fathers as Protestant saints. But she admits that secularists "fail to appreciate" how Protestantism shaped, and continues to shape, the United States.

Not long ago, Bass remembers, not all Protestants were "evangelicals or fundamentalists or political extremists." She recalls fairly accurately that the mainline Protestantism of the 20th century had morphed into religious Rotary Clubs. They were spiritually unchallenging but espoused civic righteousness and generic morality. With fondness, Bass looks farther back to the "enchanting universe" of historic churches, such as Christ Church (Episcopal) in Alexandria, Virginia, where George Washington worshipped, and which remains active still. Despite the social injustices of its day, Bass looks to old Protestantism in America as offering "village" churches specializing in hospitality for spiritual pilgrims. She seems to be trying to rediscover this old, gentle Protestantism that, from a distance at least, combined beauty, transcendence, and wonder.

After leaving evangelicalism, Bass gravitated towards a liberal and vibrant Episcopal church with a homosexual priest and plenty of political activism. Most of the churches she studies in her book do not seem to be quite so far left. They are medium-sized, mostly urban, congregations of several hundred people, many of whom are either refugees from conservative churches or new to religious practice. The congregants are largely well educated, upper middle class, and eager to avoid "fundamentalism" while emphasizing "community."

Bass's favored churches host speakers like the Gnostic enthusiast Elaine Pagels and the interfaith advocate Karen Armstrong. They read books by the New Age mystic Marcus Borg. They walk labyrinths and meditate. They enjoy liturgy, vestments, the lighting of candles, and anointing with oil. They are interested in "reconciliation," in psychic healing and "cosmic restoration." They share faith stories. They employ tambourines and drums in their worship. Some do

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Corbis / Buddy Mays

Latin chants. They want a connection to Christian tradition without necessarily being bound by it. They shun "religion" but they want to be "spiritual."

Christianity for the Rest of Us is full of anecdotes from people who recount to Bass how they came to affiliate with their ostensibly centrist or liberal congregation. They seem, primarily, to be people like Bass: intelligent, well read, and wanting a supportive Christian community that shuns, or at least avoids, conservative religious and political themes.

God bless them all on their journeys. But it is hard to understand exactly what the objective is for Bass's book, other than to affirm her own spiritual choices. There are about 80,000 mainline Protestant local churches in America. Bass has found 50 that are at least somewhat vital—although she admits that none are exactly megachurches. Overall, each of the mainline denominations has lost 30 to 50 percent of its membership; Bass explains their decline by suggesting they had exchanged transcendence for dutiful morality. This is true enough, but not all the truth.

Twentieth-century liberal Protestantism, even in its more orthodox forms, basically became universalist in its study of salvation. If everyone is going to Heaven automatically, then winning souls is unnecessary, and growing a church resembles a Rotary membership drive. It did not work. The denominations lost millions of members and have been unable to replace them.

Bass's vibrant liberal congregations, though not focused on soul-saving, are not entirely dissimilar to vibrant evangelical ones. Both emphasize innovation, personal testimony, and catering to the customer. But Bass's liberal worshippers tend to meet in more tasteful surroundings, drink better wine, and read more quality literature. As part of Jim Wallis's cohort, Bass is, of course, profoundly political: She stresses the political involvements of her studied churches. But nearly all surveys show that the vast majority of America's congregations, including both mainline Protestant and evangelical, are carefully nonpolitical, and include adherents from across the political spectrum.

Bass writes that mainline Protestants evenly divided in the 2004 election, but that more churchgoing mainline Protestants voted for John Kerry. She does not source her claim. The 2004 postelection National Survey of Religion and Politics *did* find mainliners evenly divided, though traditional mainliners favored George W. Bush by 68 percent and centrist mainliners favored Bush by 58 percent. "Modernist" mainliners favored Kerry by 78 percent. That survey did not break mainliners down by churchgoing habits, but every other available survey has shown that frequent churchgoers from all traditions favored Bush over Kerry.

The American Religious Identification Survey of 2001, which interviewed 50,000 Americans, found that pluralities of Methodists, Presbyterians, Lutherans, and Congregationalists all favored Republicans over Democrats. Only the Episcopalians were evenly divided. Even so, the vast majority of Americans, thankfully, do not attend church for political camaraderie.

Bass, like many on the religious left, seems overly preoccupied by the supposed political threat of conservative Christianity. But contrary to stereotypes, most conservative churches are not focused on politics. Bass should just chill out, and enjoy the companionship of the many like-minded Christians whom she found on her book-writing journey. ♦

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Gathering Storm

How 9/11 changed everything, except al Qaeda.

BY DAVID AIKMAN

Osama bin Laden, 2001

Polaris / Hamid Mir

When the ABC docudrama *The Path to 9/11* was aired recently, so hysterical was the reaction to suggestions in the miniseries that President Bill Clinton might have done a little more than he did to take down al Qaeda during his years in office, you might have thought the story as told was a figment of the imagination of some Orange County Republican.

No doubt they took liberties with the documentary record. Overall, however, the tale was utterly arresting.

The Looming Tower
Al-Qaeda and the Road to 9/11
by Lawrence Wright
Knopf, 469 pp., $27.95

What's so interesting about *The Looming Tower* is that it makes clear that ABC got so much of the story right. Lawrence Wright—no Orange County Republican—is a staff writer from the *New Yorker*, and quite obviously a very talented reporter. What he accomplishes in *The Looming Tower* is to assemble the main characters and events that culminated in 19 young Arabs immolating themselves and thousands of innocent Americans and foreigners (the victims came from more than 80 different nations) in the attack on the World Trade Center. It's a compelling, and at the same time very frightening, tale.

The title is taken from a verse in the Koran, "Wherever you are, death will find you, even in the looming tower" (Sura 4:78). Death, to be sure, is the idea that looms through this book more conspicuously than anything else. From the execution of Sayyid Qutb, whose writings did more to launch Islamofascism among Sunni Arabs than those of any other Islamic theorist, to the deliberately chosen deaths of those 19 hijackers in New York, Virginia, and Pennsylvania, death haunts the aspirations and imaginations of all the Muslim characters.

The story of Qutb, who ought to be as much a household name to students of radical Islam as Lenin used to be to Kremlinologists, is both comic and tragic. A middle-aged Egyptian bureaucrat from the Ministry of Education, Qutb was radicalized during a visit to America in 1949. A lifelong bachelor, he had a formative experience here attending a church dance in Greeley, Colorado. For Qutb, the spectacle that he beheld—"dancing naked legs filled the hall, arms draped around the waists, chests met chests, lips met lips, and the atmosphere was full of love"—was final confirmation that modernity in the American sense was the mortal enemy of Islam.

Implicated in a plot to kill Gamal Abdel Nasser on his return to Egypt, Qutb was tortured in prison, then executed in 1966. Before he died, he had smuggled out a manifesto called *Milestones* which became, over the years, the Islamist version of Lenin's party-building treatise, *What is to be done?* (1902), and is now devoured by young Islamists in the same reverential manner that Lenin's work was feverishly absorbed a century ago.

From Qutb, the story moves to Ayman al-Zawahiri, increasingly today the face of al Qaeda in its frequent video productions, and to his embrace of the most apocalyptic of Islamist programs. Zawahiri was arrested in the roundup after the assassination of Anwar Sadat in 1981, and though he had not been personally involved in the plot, he dominated the gaggle of caged defendants in the Cairo courtroom where their trial was held.

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But Zawahiri exemplifies the emergent leadership of al Qaeda and its loosely connected franchises in one important respect: A physician, he is from a relatively privileged background, and is a modern professional. So, as it happens, is Osama bin Laden. Though Osama dropped out of college early, once the struggle against the Soviets in Afghanistan got underway, he had gained enormous experience as a manager in his father's construction company. Mohammed bin Laden had endeared himself to the Saudi royal family by taking on difficult road construction projects: Osama's skill in turning Afghan caves into redoubts capable of resisting Soviets—and later Americans—had been learned on the job managing projects for his father's business.

We learn of the "Arab Afghans" and their first tentative, later heroic, jihadists in the anti-Soviet struggle of the Afghan mujahedeen, of the often squalid ideological squabbles in the alleys of Peshawar, Pakistan, of bin Laden's secret formation of al Qaeda in the late 1980s, of his move to Khartoum in 1992 with his four wives and 17 children after an Islamist regime came to power there in 1989. Though Osama was able to buy his way into the approval of the Sudanese, as he was later to do in Afghanistan under the Taliban, he could not always lay his hands on lavish funds, and his family, at times, was close to hunger.

What seems to have explained Osama's success at cultivating the support of consecutive radical Islamic regimes, and gathering to himself a devoted corps of followers, was his single-mindedness in opposing America, and his determination to bring about a radical reordering of world affairs. Wright reveals many of these sometimes-tense relationships, introducing some quite remarkable figures. One example of the improbable misfits who flitted in and out of the al Qaeda orbit was Ali Abdelsoud Mohammed, an Egyptian and a multilingual physical fitness buff who managed to insinuate himself into the U.S. Army's Special Warfare Center at Fort Bragg. He was quite open about his Islamist sympathies, and briefed U.S. intelligence about al Qaeda, Osama bin Laden, and other vital information. His interlocutors totally ignored his revelations. The Defense Department even managed to lose records of conversations with Mohammed reported by an FBI agent.

It is the Keystone Kops aspect of America's repeated bungling of attempts to unravel the looming Islamist plot against itself that provides both the comic and tragic elements to the story. Again and again, the CIA refuses to tell the FBI that suspected al Qaeda agents are on American soil. The National Security Agency won't release to the CIA or the FBI telephone transcripts that will fill in the blanks of al Qaeda plotting. When the FBI office in Minneapolis stumbles onto Moussaoui's bizarre flight-training requirements (he wasn't interested in learning how to land airliners) and informs Washington, it's cautioned not to get people "spun up." In frustration, a supervisor tells Washington that all he was doing was "trying to keep someone from taking a plane and crashing into the World Trade Center."

Wright's telling of the story is detailed, colorful, and insightful. One unrecognized hero is FBI counterterrorism chief John O'Neill, who was himself to die in the World Trade Center after leaving the FBI and becoming head of security there. O'Neill had a tangled romantic life—he was running three simultaneous girlfriends while still married. Brilliant, dynamic, and bureaucratically ruthless, O'Neill was terrifyingly aware that something terrible would happen in America in the fall of 2001. But he was, in the end, unable to untangle the intelligence bureaucracy sufficiently to uncover what it was.

So Osama bin Laden launched the plot that humbled America, but in so doing, pasted a permanent "Wanted" notice on his own life. ♦

Towering Inferno

Babel is the 'Feel Bad Movie of the Millennium.'

BY JOHN PODHORETZ

Babel
Directed by
Alejandro González Iñárritu

Every year, there's at least one high-prestige film in English that is consciously designed to make its audience absolutely miserable. Its beautifully composed frames are cast in shadow, its soundtrack wails with mournful music, and it goes on for at least two hours without anyone cracking a smile or having a laugh.

Since many people in and around the motion-picture industry have an unfortunate tendency to mistake gloom for profundity, these depressing wallows often attract popular and admired performers who are willing and eager to take relatively small parts in which they can emote a lot. At film festivals, bouquets are tossed. Critics sing hosanna. And eventually, award nominations droppeth like the gentle rain from heaven on the depressing place beneath.

Advertising copywriters in decades past used to call fare like *Rocky* or *Chariots of Fire* "the feel good movie of the year." These films should compete for the title of Feel Bad Movie of the Year. In 2002, the Feel Bad Movie was *The Hours*, in which Nicole Kidman

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won an Oscar for playing the suicidal Virginia Woolf while Ed Harris was nominated for an Oscar playing a guy with AIDS who jumps out a window. *The Hours* was nominated as well, but failed to win Best Picture (in my view) because most of the audience spent the last hour of the movie looking for a window to jump out of. Fortunately or unfortunately, there are no windows in movie theaters.

The Feel Bad Movie of the Year in 2005 actually managed to win the Oscar for Best Picture. In *Crash*, nine people living in Los Angeles reveal just how tragically divided we are by race and gender and class and age and sexual orientation and make of vehicle. Many people were surprised that *Crash* took the big prize instead of the gay tragedy *Brokeback Mountain*. But *Brokeback* was also a Feel Bad Movie, and it just couldn't compete with *Crash* in that department. Depressing as *Brokeback* was, it just didn't quite make you feel as rotten as *Crash* did, nor did it feature a scene like the one in *Crash*, in which you learn that the back of a van you thought was full of drugs is actually full of sobbing Laotians, chained together at the heel, being kept as slaves.

The Feel Bad Movie of 2003 was *21 Grams*, which seemed to have everything going for it beginning with the title—which supposedly indicates the amount of weight a human body loses at the moment of death. Naomi Watts plays a woman whose husband and kids have been killed by a drunk driver. Sean Penn receives the husband's heart in a transplant operation. He and Watts have an affair that is primarily remarkable for its joylessness. Watts wants Penn to kill the drunk driver; Penn ends up killing himself. Somehow, the Academy overlooked this one in the Best Picture race, but it did nominate Naomi Watts, who limned the movie's most depressing character by far. *21 Grams* was the first film in English by a Mexican team: Director Alejandro González Iñárritu and screenwriter Guillermo Arriaga. They came to prominence in international movie circles with *Amores Perros* in 2000, a delightful confection in which a beautiful model becomes a cripple and loses her dog under the floorboards of her house while a man sleeps with his brother's wife and forces his dog to fight to its death. *Amores Perros* (translation: "Love's a Bitch") kicked off the team's career in the Feel Bad genre.

This year, they have achieved a career landmark with their third film together. It's called *Babel*, and González Iñárritu and Arriaga have had a major falling-out over who deserves the greater share of credit for their collaboration. It's understandable that two men would come to blows over *Babel*, and not just because it won prizes at the Cannes Film Festival and is the focus of intense Oscar talk.

Babel, you see, isn't just the Feel Bad Movie of the Year. It may be the Feel Bad Movie of All Time. Forget waterboarding, Andrew Sullivan. If they showed this movie to al Qaeda detainees in secret prisons, the torture they would undergo would certainly violate the Geneva Convention. Nobody, and I mean nobody, deserves to feel as lousy as *Babel* makes you feel.

Like the other González Iñárritu/Arriaga collaborations, this one scrambles up its plotlines and its timeline. But basically, here's the story. There's this deaf-mute 15-year-old Japanese girl who watched her mother commit suicide in their Tokyo apartment. The girl's father takes a hunting trip to Morocco and gives his gun to his Moroccan guide. The Moroccan guide sells the gun to a family of goat herders. The family's two young sons test the range of the rifle by firing at a moving bus far away. A bullet from the gun hits Cate Blanchett, who plays a San Diego matron on vacation in Morocco after her youngest child died of sudden infant death syndrome. Her surviving children have been left in the care of a Mexican nanny. The nanny takes the kids to Mexico to her son's wedding, and on the way back to San Diego, they end up (don't ask how) wandering in the desert near the U.S.-Mexican border, parched with thirst and miles from help.

Meanwhile, Blanchett is dying in a remote Moroccan village while her husband, Brad Pitt, tries to find someone who can help. At the same time, back in Tokyo, the deaf-mute Japanese girl is wandering around her apartment's balcony, thinking about jumping off, even as Moroccan cops start firing at the goat-herding kids.

The movie's title apparently refers to the Tower of Babel, and González Iñárritu and Arriaga set it up so that everything in the movie is the result of miscommunication and misunderstanding. There's something interesting about that, but then you begin to notice that no matter the language barrier, everybody actually understands each other perfectly, so it's hard to figure out what the big deal is.

Basically, González Iñárritu and Arriaga have one message for us: No matter where you are, in the Far East or North Africa or La Jolla, life is one giant hell and you could die at any moment. Particularly if you're a child.

It's the use of children and teenagers—whom we see fearful, wracked with physical and emotional pain, shot, in danger of death by exposure, and under fire—that makes *Babel* not merely depressing but contemptible. It's the cheapest stunt in the world to evoke raw emotion from an audience by placing a child in jeopardy. González Iñárritu and Arriaga place no fewer than five children in danger in this movie, and kill off a newborn baby for good measure. It almost seems like a sick joke when the movie ends with a dedication to the director's two kids.

Yes, *Babel* is the Feel Bad Movie of the Millennium. It's also bad, plain and simple, no matter how many prizes it wins or how many people are tricked by its sober and solemn tone into imagining that it has anything to say about the human condition. Except, of course, that the big fight between the director and the screenwriter over who deserves the credit for *Babel* tells us a great deal about the filmmakers themselves—about how the film's fatuous message of the need for universal brotherhood is easily drowned out by their desperate hunger for critical attention. ♦

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I want to go to Africa—it's a place where you can really help people. And I'm into the safari animals.
—Kevin Federline*, New York Post, *Oct. 31, 2006

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